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ROYAL COMMISSION ON ELECTORAL REFORM

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Summary of Issues from Hearings

Introduction

This book contains summaries of the issues discussed at the Commission's public hearings from March 12 to July 24, 1990.

The summaries are organized by issue according to the index which follows this introduction. They are based on the briefs and testimony received during the hearings, but not on other Commission research or on briefs to the Commission which were not presented at hearings.

Each summary identifies key issues raised at the hearings, provides some background to the issue, sets out the major alternatives suggested by intervenors, and briefly elaborates on the proposals made and on the substance of discussion on the issue. In a number of cases the text or the list of intervenors indicates the position taken by different intervenors or relates the weight of opinion for or against a particular proposal.

The list of intervenors with each summary includes the place and date of the hearing at which they intervened. Daily summaries of the hearings provide an outline of each intervenor's submission and are available from the Commission.

No.

ISSUE

| <u>A:</u> | <u>ELECTION ADMINISTRATION</u> |
|-----------|--|
| 1. | Official agent issues |
| 2. | Computerization of election operations |
| 3. | Elections Canada structure and operations |
| 4. | Official language issues |
| 5. | Public information and education |
| 6. | Staffing and pay of ROs and election staff |

CHAPTER 1. THE COMMISSION'S WORK

SECTION 1. THE COMMISSION'S WORK

The Commission was organized on July 12, 1955, and its first meeting was held on July 13, 1955.

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SECTION 2. THE COMMISSION'S WORK

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SECTION 6. THE COMMISSION'S WORK

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SECTION 7. THE COMMISSION'S WORK

B: **BROADCASTING ISSUES**

- 7. Advertising and free time
- 8. Broadcasting: general issues

D: **REDISTRIBUTION**

- 9. Redistribution issues

E: **ELIGIBILITY**

- 10. Voting age
- 11. Canadians abroad
- 12. Homeless and poverty issues
- 13. Judges right to vote
- 14. Mentally handicapped
- 15. Military vote and veterans
- 16. Prisoners' voting rights
- 17. Student issues

F: **PUBLIC FUNDING OF PARTIES AND CANDIDATES**

- 18. Public funding issues
- 19. Tax credit and related issues

G: **GENERAL ISSUES, ELECTORAL SYSTEM**

- 20. Electoral system, general issues

I: **INTEREST GROUPS, THIRD PARTY ISSUES**

- 21. Interest and advocacy group
issues
- 22. Government advertising in
elections

L: **ELECTION LAW AND ENFORCEMENT**

- 23. Liquor issues
- 24. Election law and enforcement

| | |
|-----|------------------------|
| 1 | INTRODUCTION |
| 2 | 1.1. General aspects |
| 3 | 1.2. Specific aspects |
| 4 | 1.3. Conclusions |
| 5 | 2.1. General aspects |
| 6 | 2.2. Specific aspects |
| 7 | 2.3. Conclusions |
| 8 | 3.1. General aspects |
| 9 | 3.2. Specific aspects |
| 10 | 3.3. Conclusions |
| 11 | 4.1. General aspects |
| 12 | 4.2. Specific aspects |
| 13 | 4.3. Conclusions |
| 14 | 5.1. General aspects |
| 15 | 5.2. Specific aspects |
| 16 | 5.3. Conclusions |
| 17 | 6.1. General aspects |
| 18 | 6.2. Specific aspects |
| 19 | 6.3. Conclusions |
| 20 | 7.1. General aspects |
| 21 | 7.2. Specific aspects |
| 22 | 7.3. Conclusions |
| 23 | 8.1. General aspects |
| 24 | 8.2. Specific aspects |
| 25 | 8.3. Conclusions |
| 26 | 9.1. General aspects |
| 27 | 9.2. Specific aspects |
| 28 | 9.3. Conclusions |
| 29 | 10.1. General aspects |
| 30 | 10.2. Specific aspects |
| 31 | 10.3. Conclusions |
| 32 | 11.1. General aspects |
| 33 | 11.2. Specific aspects |
| 34 | 11.3. Conclusions |
| 35 | 12.1. General aspects |
| 36 | 12.2. Specific aspects |
| 37 | 12.3. Conclusions |
| 38 | 13.1. General aspects |
| 39 | 13.2. Specific aspects |
| 40 | 13.3. Conclusions |
| 41 | 14.1. General aspects |
| 42 | 14.2. Specific aspects |
| 43 | 14.3. Conclusions |
| 44 | 15.1. General aspects |
| 45 | 15.2. Specific aspects |
| 46 | 15.3. Conclusions |
| 47 | 16.1. General aspects |
| 48 | 16.2. Specific aspects |
| 49 | 16.3. Conclusions |
| 50 | 17.1. General aspects |
| 51 | 17.2. Specific aspects |
| 52 | 17.3. Conclusions |
| 53 | 18.1. General aspects |
| 54 | 18.2. Specific aspects |
| 55 | 18.3. Conclusions |
| 56 | 19.1. General aspects |
| 57 | 19.2. Specific aspects |
| 58 | 19.3. Conclusions |
| 59 | 20.1. General aspects |
| 60 | 20.2. Specific aspects |
| 61 | 20.3. Conclusions |
| 62 | 21.1. General aspects |
| 63 | 21.2. Specific aspects |
| 64 | 21.3. Conclusions |
| 65 | 22.1. General aspects |
| 66 | 22.2. Specific aspects |
| 67 | 22.3. Conclusions |
| 68 | 23.1. General aspects |
| 69 | 23.2. Specific aspects |
| 70 | 23.3. Conclusions |
| 71 | 24.1. General aspects |
| 72 | 24.2. Specific aspects |
| 73 | 24.3. Conclusions |
| 74 | 25.1. General aspects |
| 75 | 25.2. Specific aspects |
| 76 | 25.3. Conclusions |
| 77 | 26.1. General aspects |
| 78 | 26.2. Specific aspects |
| 79 | 26.3. Conclusions |
| 80 | 27.1. General aspects |
| 81 | 27.2. Specific aspects |
| 82 | 27.3. Conclusions |
| 83 | 28.1. General aspects |
| 84 | 28.2. Specific aspects |
| 85 | 28.3. Conclusions |
| 86 | 29.1. General aspects |
| 87 | 29.2. Specific aspects |
| 88 | 29.3. Conclusions |
| 89 | 30.1. General aspects |
| 90 | 30.2. Specific aspects |
| 91 | 30.3. Conclusions |
| 92 | 31.1. General aspects |
| 93 | 31.2. Specific aspects |
| 94 | 31.3. Conclusions |
| 95 | 32.1. General aspects |
| 96 | 32.2. Specific aspects |
| 97 | 32.3. Conclusions |
| 98 | 33.1. General aspects |
| 99 | 33.2. Specific aspects |
| 100 | 33.3. Conclusions |

M: MINOR PARTIES

25. Minor party issues and briefs

O: OPINION POLLS

26. Opinion polls

P: PARTY FINANCE, SPENDING AND REGULATION

27. Party finance and controls

28. Leadership campaigns

29. Local riding finance and
organization

30. Nomination of candidates

31. Regulation of political
parties

R: CHARTER ISSUES AND POLITICAL RIGHTS

32. Civil rights and political
rights

S: SPECIAL ISSUE AREAS

33. Aboriginal issues

34. Ethnic community issues

35. Literacy issues

36. Northern and remote ridings

37. Women in politics

T: ELECTION TIMING

38. Election hours, Sunday voting

V: VOTING PROCEDURES AND ORGANIZATION

39. Advance, proxy and mobile voting

40. Disabled and handicapped voters

41. Enumeration issues

| | |
|------|--------------------------------------|
| 1. | General Introduction |
| 2. | Political Party Systems and Ideology |
| 3. | Political Ideology |
| 4. | Political Ideology |
| 5. | Political Ideology |
| 6. | Political Ideology |
| 7. | Political Ideology |
| 8. | Political Ideology |
| 9. | Political Ideology |
| 10. | Political Ideology |
| 11. | Political Ideology |
| 12. | Political Ideology |
| 13. | Political Ideology |
| 14. | Political Ideology |
| 15. | Political Ideology |
| 16. | Political Ideology |
| 17. | Political Ideology |
| 18. | Political Ideology |
| 19. | Political Ideology |
| 20. | Political Ideology |
| 21. | Political Ideology |
| 22. | Political Ideology |
| 23. | Political Ideology |
| 24. | Political Ideology |
| 25. | Political Ideology |
| 26. | Political Ideology |
| 27. | Political Ideology |
| 28. | Political Ideology |
| 29. | Political Ideology |
| 30. | Political Ideology |
| 31. | Political Ideology |
| 32. | Political Ideology |
| 33. | Political Ideology |
| 34. | Political Ideology |
| 35. | Political Ideology |
| 36. | Political Ideology |
| 37. | Political Ideology |
| 38. | Political Ideology |
| 39. | Political Ideology |
| 40. | Political Ideology |
| 41. | Political Ideology |
| 42. | Political Ideology |
| 43. | Political Ideology |
| 44. | Political Ideology |
| 45. | Political Ideology |
| 46. | Political Ideology |
| 47. | Political Ideology |
| 48. | Political Ideology |
| 49. | Political Ideology |
| 50. | Political Ideology |
| 51. | Political Ideology |
| 52. | Political Ideology |
| 53. | Political Ideology |
| 54. | Political Ideology |
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| 56. | Political Ideology |
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| 61. | Political Ideology |
| 62. | Political Ideology |
| 63. | Political Ideology |
| 64. | Political Ideology |
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| 66. | Political Ideology |
| 67. | Political Ideology |
| 68. | Political Ideology |
| 69. | Political Ideology |
| 70. | Political Ideology |
| 71. | Political Ideology |
| 72. | Political Ideology |
| 73. | Political Ideology |
| 74. | Political Ideology |
| 75. | Political Ideology |
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| 88. | Political Ideology |
| 89. | Political Ideology |
| 90. | Political Ideology |
| 91. | Political Ideology |
| 92. | Political Ideology |
| 93. | Political Ideology |
| 94. | Political Ideology |
| 95. | Political Ideology |
| 96. | Political Ideology |
| 97. | Political Ideology |
| 98. | Political Ideology |
| 99. | Political Ideology |
| 100. | Political Ideology |

- 42. Hospital voting
- 43. Permanent Voters' list
- 44. Ballot and voting procedure
- 45. Revision, election day
registration
- X:** **EXPENSE AND ACCOUNTING ISSUES**
- 46. Spending and accounting
issues

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

1. OFFICIAL AGENT ISSUES

Key issues:

- * Should official agents receive special training in order to carry out their responsibilities under the Elections Act, and should they be paid?
- * Should the legal responsibilities of official agents be changed from the present Act?

Background:

The concept of an official agent who is appointed for each candidate and who is responsible for controlling all of a candidate's expenses dates back to the early 1900s.

Under Sections 61 to 63 of the Act, the candidate's official agent is responsible for all financial aspects of a candidate's campaign and is subject to heavy penalties for failing to comply with the Act. In certain cases a candidate who is elected can be removed from office if an official agent has failed to comply with the Act. The agent's responsibilities include receiving all contributions to the candidate's campaign; maintaining the exclusive bank account for the campaign; controlling all payments made by the campaign; keeping expenditures within the ceiling set by law; submitting the candidate's return and claiming reimbursement where eligible. Unlike most election workers, the agent's responsibilities extend beyond election day and must be fulfilled whether or not the candidate is elected.

A comparable system of official agents exists in the provincial Elections Acts.

Suggested alternatives:

- Maintain the present regulation of official agents;
- Update the system through better training and closer cooperation between official agents and staff of Elections Canada;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

- Provide some remuneration for official agents;
- Substitute an alternative system, such as having each candidate's agent appointed by Elections Canada.

Comments and proposals:

Issues relating to official agents were touched on by eight intervenors but not discussed at length. The most common concerns were the need for Elections Canada to provide official agents with much better training, and the suggestions that official agents should be paid because of the unusual nature of their responsibilities. Two intervenors, Mr. Jacques Charpentier, RO for Louis Hebert and Mr. Bernard Nayman, an experienced elections auditor in Toronto, recommended a figure equal to two per cent of the candidate's election expenses, up to a maximum of \$1,500.

Two accountants, Mr. John Didone and Mr. Mike Casey, said they had declined to be official agents in the 1988 campaign because of the nature of the agent's responsibilities and the difficulties of interpreting the Act, and because the agent has little or no control over the actions of campaign workers for whom he may be responsible.

One intervenor, a Montreal area RO (Mme Monique Dubuc-Vaillancourt) recommended that the official agent for each candidate be a neutral and non-partisan appointee named by Elections Canada rather than being appointed by the candidate. The Halifax PCs asked that the Act be amended so that official agents may not be found guilty of an offence so long as they act in good faith and take reasonable steps to avoid overspending.

The submission of the Canadian Institute of Chartered Accountants dealt mainly with the issues of defining and reporting election expenses but also touched on the role of official agents. The CICA urged that reforms be introduced to increase accountability in the use of campaign funds, because they often include public monies given to parties or candidates as reimbursement for election expenses. This included requiring the registration of local constituency associations and insisting that surplus campaign funds be transferred to the local association.

The CICA suggested that official agents and candidates might be required to attest that their returns covered all donations and expenditure by a campaign, and that pre-writ expenditure on such items as computer equipment and software that is subsequently used during a campaign should be counted as a

campaign expense, to the extent that it used during a campaign. Two CICA representatives disagreed as to whether an official agent should be required to be an accountant, with one arguing for the proposal and one against.

Technical issues:

Mr. Paul Hyland, an RO in Halifax, cited difficulties where official agents or auditors came from outside the province and where an agent represented more than one candidate. He recommended that agents and auditors be resident in the province where their candidate is running and that a person be allowed to work as official agent for no more than one candidate.

Mr. Alex Murchie, an official agent in Churchill riding, noted difficulties in a campaign having to obtain a judge's order to make payments more than four months after the election and recommended that payment be allowed with the RO's consent or be permitted up to one month after reimbursement had been received from Elections Canada.

Related issues:

Related issues include Election Canada, structures and operations, staffing and pay of ROs and election staff, public funding issues, tax credit and related issues, election law and enforcement, party finance and controls, local riding finance and organization, ballot and voting procedure, spending limits, and accounting issues.

Intervenors:

Mme Monique Dubuc-Vaillancourt, RO (Montreal, April 11)

Mr. Bernard Nayman (Toronto, May 7)

Mr. John Didone, accountant (Sudbury, May 9)

Professor Bruce Lundgren, (London, May 10)

Mr. Paul Hyland (Halifax, June 4)

Mr. Mike Casey and Mr. Camille Gallant, Halifax Progressive Conservative Association (Halifax, June 4)

Mr. Jacques Charpentier, RO (Québec, April 30)

Canadian Institute of Chartered Accountants (Toronto, May 30)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

2. COMPUTERIZATION OF ELECTION OPERATIONS

Key issue:

- * How far and fast should Elections Canada go in introducing and using new computer technology in the electoral process?

Background:

It was unusual in the 1988 election for computers or word processing to be found in returning offices. Elections Canada communicated with ROs through an electronic mail system, but facsimile transmission was not permitted for election documents.

According to one intervenor, 67 ridings used data processing firms to computerize the production of their voters' lists. As no common software was available, each firm had to prepare its own.

The political parties made very considerable use of technology in the 1988 campaign, especially in polling and in their central campaigns. At the riding level, the use of computers, word processing and direct mail or individualized mail became more common but was subject to some restraint because of spending limits.

Suggested alternatives:

- Plan to computerize the enumeration process in the next election, even if a permanent list is not being introduced until later;
- Provide training, software and equipment for ROs to make full use of computer technology in the next election;
- Allow all election documents to be transmitted by facsimile so long as this does not create problems of confidentiality.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Comments and proposals:

The intervenors who dealt with computerization of election operations were all in favour of moving forward with the exception of the Carleton-Gloucester NDP, which warned against any more experiments with technology because of a disastrous experience in that riding in the 1988 campaign.

Computerization was addressed in a more general way by the large number of intervenors who advocated a permanent voters' list.

The Halifax ROs spoke to the advantages they had enjoyed from computerizing the voters' lists in four ridings. Data on electors was entered on a daily basis rather than at the end of the enumeration period, and enumerators had two extra days for callbacks because they did not have to prepare their lists personally. The ROs recommended that the addition of names to the list through revision also be computerized.

Mr. Al Knight, of the KAH-ED Institute in Kamloops, estimated that 67 constituencies had been computerized in the 1988 campaign, but with the data contractor providing the software in each case. He recommended that continuous pre-numbered forms be used for enumeration that would be designed for computerization, and that notices of enumeration also be produced on a continuous form without having to be separately addressed. He also recommended that revision of the preliminary list be computerized.

The most extensive proposal was from Mr. Keith Lampard, CEO for Saskatchewan, who questioned the use of a permanent list, but proposed re-designing the electoral process from enumeration to the final balloting in order to eliminate the handwork which the system now requires.

This system, developed in Saskatchewan, would allow maps and addresses to be generated by computer for each poll in order to simplify and speed up the process of enumeration. Once the data from the enumerator had been entered, the system would allow voters' cards to be generated and create a list for balloting that would do away with the written register of voters.

In discussion with the RO for Cape Breton-East Richmond, the chairman suggested a system similar to Saskatchewan's which would be based on a computerized list of all addresses and would create a pre-printed form with street name and numbers be used for enumeration and through to polling day.

In other comments, several ROs suggested that they be able to rent telephone answering machines and computers to carry out their work, and that election law allow faxed documents to be accepted as if they were originals. Concern was raised as to whether the salaries ROs are allowed to pay their staff are sufficient to hire people qualified to use computerized systems.

Messrs. Bouwmeester and Shapiro recommended that software be developed to streamline the work of official agents and to reduce the data entry required from official agents' returns. Mr. Scott Mills suggested that computer technology be used to allow Canadians to vote anywhere in the country regardless of where their riding is located, using the same techniques that allow banking machines to serve customers at any location.

Related issues:

The issues most closely related to computerization are enumeration, the permanent voters' list, election staffing and voting procedures.

Major intervenors:

Mr. Keith Lampard, CEO, Saskatchewan (Regina, April 18)

KAH-ED Institute (Kamloops, May 15)

Mr. Ralph Bouwmeester, Mr. Jeff Shapiro (Toronto, May 30)

Other intervenors:

Mr. Scott Mills (Ottawa, March 12)

Ms. Rosemary Cairns, RO, Western Arctic (Yellowknife, May 24)

Halifax ROs (Halifax, June 4)

Mr. Alex MacIsaac, NDP Official Agent (Sydney, June 5)

Mr. Kenneth Andrews, RO Cape Breton-East Richmond (Sydney, June 5)

Carleton-Gloucester NDP (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

3. ELECTIONS CANADA STRUCTURE AND OPERATIONS

Key issues:

- * Should Elections Canada operations be decentralized or remain centred in Ottawa?
- * Can Elections Canada procedures be simplified, particularly as they apply to remote and non-urban ridings?

Background:

Elections Canada is currently headquartered in Ottawa and does not maintain regional offices. The training it carries out for returning officers and election clerks normally takes place in Ottawa. The ROs, in turn, are responsible for training enumerators and election day staff and for recruiting, and training if necessary, staff who work in the returning office.

Many of the procedures required by Elections Canada are set out in the Elections Act. Although officials will give guidance to ROs and to local campaigns with respect to interpretation of the Act, there is no system of advance rulings such as is available on tax matters from Revenue Canada.

Suggested alternatives:

- Have Elections Canada set up regional offices to maintain closer contact with local campaigns and election officials in areas distant from Ottawa;
- Locate Elections Canada staff in or near "problem constituencies" in order to sort out problems for ROs and for local campaigns more quickly;
- Require Elections Canada to carry out an evaluation of each election with election officials and other participants, soon after the election is over;

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- Establish a separate Election Finance Commission similar to what is established in Ontario;
- Have Elections Canada carry out or regulate the process of nominating candidates by the parties;
- Make the assistant CEO a civil service appointment rather than an Order-in-Council appointment.

Comments and proposals:

The questions of Elections Canada's operations and structure came up in a number of areas (see related issues) but were not dealt with at length. The suggestions with respect to election finance (Mr. Warren Bailie) and nominations (Ms. Albina Guarnieri, MP) are dealt with under those topics.

Intervenors from British Columbia and from Churchill were concerned with the difficulty of communicating with Elections Canada from a distance during the election period, particularly when this is complicated by differences in time zones. The B.C. NDP, in particular, had difficulty in receiving rulings from Elections Canada in Ottawa and said that this could sometimes take several days. The problem was not only delay, but the time election organizers took trying to find answers or locate the right person in an office a long distance away. The Parti nationaliste also suggested decentralization through the location of an Election Canada office in Montreal.

Mr. Cyril Keeper, a former MP, questioned the management capacity of Elections Canada, as a result of difficulties with enumeration in core areas such as his riding of Winnipeg North Centre.

Mr. Walsh, RO in Churchill, criticized Elections Canada procedures as being designed for the Toronto-Ottawa-Montreal triangle and unrealistic for a northern riding. Ms. Haehnel, RO in Scarborough-Rouge River, suggested the appointment of "regional" ROs who would each be responsible for a number of ridings and who could help out new ROs and those with staff problems.

The suggestion for regular evaluation after each election came from the RO for Cape Breton-Highlands-Canso and from the Alberta Liberals. The proposal with respect to the assistant CEO was made by the former CEO, Mr. Jean-Marc Hamel.

Related issues:

Questions related to Elections Canada operations are raised under the topics of nominations, leadership campaigns, election staffing, election finance, computerization of election operations, enumeration, and official agents.

Intervenors:

Mr. Jean-Marc Hamel (Ottawa, March 12)

B.C. Council of Federal NDP Ridings (Vancouver, March 27)

Surrey White Rock PC Association (Vancouver, March 27)

Mr. Lyle Walsh, RO, Churchill (Thompson, April 20)

Mr. Warren Bailie, CEO for Ontario (Toronto, May 7)

Ms. Ruth Haehnel, RO Scarborough-Rouge River (Toronto, May 7)

Liberal Party of Canada in Alberta (Edmonton, May 23)

Mr. Cyril Keeper (Winnipeg, May 29)

Ms. Mary Margaret MacLean, RO for Cape Breton-Highlands-Canso (Sydney, June 5)

Ms. Albina Guarnieri, MP Mississauga East (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

4. OFFICIAL LANGUAGE ISSUES

Key issues:

- * Should political parties or candidates be made subject to the Official Languages Act?
- * Should the present Elections Canada requirement for bilingualism in elections be changed?

Background:

Elections Canada seeks to provide services to electors in both official languages where it judges that there is a significant demand. This is taken to mean where 3% of a riding's population is from the minority language group. When this standard was set for the 1988 election, it raised the number of bilingual ridings to 98 from 92 under the previous criterion that 5% of the riding population came from the minority language group.

In bilingual ridings, Elections Canada seeks to ensure that election information is available in both official languages, that service in both languages is available at the polls on election day, and that at least 50% of the enumerators and polling day officials named by the parties are bilingual.

While Elections Canada maintains a bilingual information service by telephone, there is no requirement that the RO in a bilingual riding must be bilingual. There is likewise no requirement that parties or candidates carry out a bilingual campaign in a bilingual riding; parties are not subject to the Official Languages Act.

While the Elections Act prescribes bilingual forms for the ballot and for other material used in elections, it makes no other direct reference to official language issues.

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Suggested alternatives:

- Require that ROs in bilingual ridings be bilingual;
- Provide ROs with greater flexibility in providing bilingual services in designated bilingual ridings when the minority language population is concentrated in a few areas;
- Change the standard for measuring significant demand for bilingual services from the present criterion that 3% of the riding's population is of the minority language group;
- Require that parties and/or candidates be subject to the Official Languages Act;
- Where a minority official language publication exists, require that any advertising by a party or candidate be in both official languages;
- Provide bilingual election information more consistently in the material aired by Elections Canada on cable TV.

Comments and proposals:

Official language issues were raised by a small number of intervenors.

The Commissioner of Official Languages reported that the number of complaints about language issues and elections had increased from 20 in 1980 to 100 in 1988, and suggested that for every complaint many other voters may have been denied their linguistic rights. The complaints focused on Elections Canada failing to provide voter information in the minority language in newspapers and on cable TV, on unilingual enumerators and on inability to be served in the minority language on election day.

The Commissioner complained that unilingual ROs had been appointed to bilingual ridings in the National Capital Region and in New Brunswick (in Moncton) and that the parties did not meet Elections Canada's request that 50% of the enumerators and election officials whom they named should be bilingual.

The Société des Acadiens recommended that ROs appointed in bilingual ridings be required to be bilingual. The Association de la presse francophone recommended that federal parties be made subject to the Official Languages Act and that, in particular, they be required to place advertising in the minority language where there was a minority language newspaper available. Mrs. Peggy Woods, RO for Saskatoon-Humboldt, raised the problem of finding bilingual enumerators and election staff in a riding that was designated bilingual but where the minority language population was concentrated in a few areas.

The Canadian Cable TV Association said that the policy of cable stations was to broadcast elections videos from Elections Canada in both languages only if the cable service was a bilingual service. Several intervenors suggested that bilingual elections staff, such as teachers, could be easier to find if federal elections were held on a Sunday.

Major intervenors:

Mr. D'Iberville Fortier, Commissioner of Official Languages
(Ottawa, March 12)

Mr. Martin Aubin, Société des Acadiens et Acadiennes (Moncton,
March 20)

Mr. Wilfred Roussel, Association de la presse francophone
(Ottawa, June 12)

Other intervenors:

Canadian Cable TV Association (Ottawa, March 12)

Moncton Chamber of Commerce (Moncton, March 20)

Mrs. Peggy Woods, RO Saskatoon-Humboldt (Saskatoon, April 17)

Ms. Anna Proulx (Sudbury, May 9)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

5. PUBLIC INFORMATION AND EDUCATION

Key Issues:

- * Should Elections Canada expand its role in providing information to Canadians about elections and the electoral process?
- * What are the best means to reach Canadians with information about the electoral process?

Background:

Elections Canada carries out a substantial information program at each election using public relations, newspaper, radio and TV advertising, and the Parliamentary Channel on cable television. It provides mock election kits to schools and has a modest information program between elections.

Returning officers have been called upon increasingly to do public information work about the electoral process, mainly in response to requests from local media and from community groups. These demands are beginning to be made between elections as well as during the election period for which the ROs are paid.

The Elections Act (Section 4) requires the Chief Electoral Officer to exercise general direction and supervision over the administration of elections and to ensure effective execution of the provisions of the Act, but does not give the CEO any specific information mandate nor provide in any way for communications about the electoral process.

Suggested alternatives:

- Improve the quality and range of information about elections provided to such groups as the disabled, the illiterate, and ethno-cultural communities;
- Give Elections Canada a specific mandate to provide information to Canadians about the electoral process;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

- Employ returning officers between elections to provide community liaison and public information about the electoral process;
- Expand the use of the Parliamentary Channel during elections to provide a wider range of information about the electoral process.

Comments and proposals:

A substantial number of intervenors raised concerns about public information and education as part of their submission to the Commission. Most often the concern was to increase the flow of information to the group of people for whom the intervenor spoke, i.e., the disabled, homeless, mentally handicapped, new immigrants, etc. In several cases, intervenors asked not just for more information but for a communications strategy or for Elections Canada to be given a public information mandate which does not now exist in the Elections Act.

A number of intervenors recommended a grass-roots approach in which Elections Canada would work with community groups and advocacy groups, or use them to provide outreach about the electoral process rather than doing it directly. This was suggested with respect to the homeless, the illiterate or mentally handicapped, students and ethno-cultural minorities.

Several intervenors recommended greater use of radio and television and of video material for training or for helping school children understand the electoral process. The Canadian Ethno-cultural Council asked for greater use of the ethnic media and asked that Elections Canada's advertising reflect the cultural and racial diversity of Canadians in visual materials.

The Western Arctic New Democrats criticised the elections information on the Parliamentary Channel for being mainly in writing and not using the medium properly, particularly in communicating with people who are illiterate. Mr. Greg Vezina of the Green Party, recommended that this channel also be made available for the parties to reach the public during the election period.

Ms. Maureen McTeer, and other intervenors, raised concerns about the lack of knowledge among young people about the political system and government, and urged that there be a greater focus on the electoral system in the schools. She responded positively to the suggestion that Elections Canada set up travelling caravans to carry out public education about the electoral process with young people .

ROs in Halifax noted that they were acquiring a stand-by role between elections in providing liaison and public information, and asked that their fees reflect this work. The increasing role of ROs in communications was noted by a number of other returning officers.

The language of communication used by Elections Canada was mentioned only briefly. The Canadian Ethnocultural Council asked that Elections Canada continue to translate voting information into various languages. Mr. Garfield Warren, MHA from northern Labrador, noted the problems of Inuit and Innu voters in his riding, and asked that Elections Canada mail information to voters in the language that they can read and understand.

Related issues:

Public information issues are also touched on with respect to broadcasting, enumeration, election procedure, staffing, Elections Canada operations, and special issues related to literacy, the disabled, and northern and remote ridings.

Intervenors:

Mr. Alfred Crossman, Returning Officer for Saint John
(Fredericton (March 19)

Ms. Marian Zaichkowski, Greater Moncton Literacy Council
(Moncton, March 20)

Mr. Kevin Barrett, Basic Poverty Action Group (Toronto, May 7)

Mr. Harry Zwerver, Ontario Association for Community Living
(Toronto, May 7)

Ms. Kathleen Kevany, London Cross Cultural Learner Centre
(London, May 10)

Ms. Susan Walker, Learning Disabilities Association of the Yukon
(Whitehorse, May 14)

Mr. Douglas Fraser (Calgary, May 22)

Ms. Debra Wong (Calgary, May 22)

Mr. Stephen Whipp, Western Arctic New Democrats (Yellowknife,
May 24)

Mr. Richard Balasko, Acting CEO (Winnipeg, May 29)

Mr. Greg Vezina, Green Party of Canada (Toronto, May 30)

Ms. Tracy Westell, Ontario Literacy Coalition (Toronto, May 30)

Halifax ROs (Halifax, June 4)

Mr. John Rogers, Canadian Paraplegic Association (Sydney, June 5)

Mr. Jeffrey Phelps, Student Unions of Nova Scotia (Sydney, June 5)

Mr. Blair Mitchell and Mr. John Abbass, Nova Scotia Progressive Conservative Association (Sydney, June 5)

Mr. Garfield Warren (St. John's, June 6)

Ms. Cheryl Boon, National Anti-Poverty Organization (Ottawa, June 11)

Ms. Maybelle Durkin, Canadian Home and School and Parent-Teacher Federation (Ottawa, June 11)

Ms. Maureen McTeer (Ottawa, June 12)

Mr. Andrew Cardozo, Canadian Ethnocultural Council (Ottawa, June 13)

Ms. Madonna Larbi, National Organization of Immigrant and Visible Minority Women of Canada (Ottawa, June 13)

Dr. Jean Cottam (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

6. STAFFING AND PAY OF ROs AND ELECTION STAFF

Key issues:

- * Should the role of the parties in nominating returning officers, enumerators and election staff be reduced or eliminated?
- * What is the appropriate compensation for ROs, enumerators and election staff?

Background:

Returning officers are named by the government and hold office until age 65, unless removed for incompetence or incapacity, or unless they move from the riding for which they were appointed. The government must also appoint an RO for any electoral district which is changed through redistribution. This accounts for the largest number of changes in ROs.

Enumerators are nominated by the two parties in each riding whose candidates had the highest number of votes at the previous election. Where the parties do not come up with enumerators by the prescribed deadline, the RO may recruit and appoint them independently.

The Act provides that the RO appoint deputy returning officers and that they in turn should appoint their poll clerks or assistants. In practise, these appointments are usually made on the nomination of one or both leading parties in the riding, but this is not required by the law.

Election staff working in the returning office are appointed by the RO. The election clerk or assistant RO is appointed by the RO.

The Chief Electoral Officer is appointed by resolution of the House of Commons. In the past, this appointment has been made on the nomination of the government.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

The RO is paid on a scale based on the number of electors on the preliminary list, but has to make up any overrun in costs not approved by Elections Canada out of the amount reserved for RO's pay. ROs received an average of \$13,000 for working in the 1988 campaign. Elections clerks are paid 75% of what their RO receives.

The scale set by Elections Canada for staff working in the returning office is slightly above the federal minimum wage.

Enumerators receive about 90 cents per name on the voter's list. Election day staff are paid a per diem rate of \$125 for DROs and \$91 for poll clerks.

Bill C-79 proposed removing the age limit for ROs, changing the title of election clerks to "assistant returning officer", and having DROs and poll clerks nominated by different candidates, with one of them being from the party in government.

Suggested alternatives:

- Appoint ROs on a non-partisan basis rather than through a political nomination by the government;
- Allow the CEO to appoint an RO for a riding if a nomination is not received from the government within 60 days of a vacancy taking place;
- Do away with the party nomination by having ROs appoint enumerators on a non-partisan basis;
- Require, by law, that DROs and election clerks are nominated by different parties;
- Raise the pay for returning officers; for enumerators; for election staff;
- Compensate ROs on the basis of the revised list rather than the preliminary list of electors;
- Require that ROs achieve or maintain a minimum level of competence to be appointed or to stay in office;
- Have the CEO nominated by the Speaker in consultation with the major parties, rather than being nominated by the government.

Comments and proposals:

This was an area of major concern both with respect to the appointment of ROs and election staff and with respect to their pay. Many of the intervenors who commented on this subject were themselves ROs in the 1988 campaign.

The single greatest issue raised in this area was pay, both for ROs and for election staff and enumerators. With the exception of one RO, there was strong support for better compensation for ROs from parties, candidates and ROs alike.

This concern was not expressed with respect to the pay of DROs and poll clerks working on election day, although one intervenor recommended that party scrutineers on election day be paid by Elections Canada, as is the practise in Quebec elections.

The Halifax ROs referred, with approval, to a review of pay for ROs now being carried out by Elections Canada, and suggested that the fee scale include pay for ROs to accept ongoing responsibility in their ridings between elections. No specific figures were proposed for ROs' pay, although some comparisons were mentioned to the pay of provincial ROs in provinces like Quebec. While an RO in Edmonton estimated that his time had been paid at only \$2.44 per hour, another said he had come out \$4,000 ahead, and several commented on the psychic rewards of working as an RO.

Mr. Lyle Walsh, in Churchill riding, noted that ROs are not compensated for voters who are added to the revised list of electors or who are sworn at rural polls to vote on election day. According to another RO, Mr. Jacques Charpentier of Louis-Hebert riding, this effectively meant there was no compensation for the RO's work in putting voters on the revised list.

Mr. Charpentier said that it would not be possible to keep his returning office open at the next election for the hours recommended by Elections Canada with the present budget. Mrs. Elizabeth Dashwood, RO for Rosedale, said she would need to pay a minimum of \$12 an hour for election staff in the next election, double what ROs were paying in the 1988 election. Mr. Ed Whelan, in Regina, recommended a minimum of \$10 an hour.

There was also significant support for making the appointment of ROs and of enumerators non-partisan, or for adopting the Quebec practise of appointing ROs through a competitive process. One intervenor suggested that the parties draw up a list of three nominees for RO in a riding where the position is vacant, but that the appointment be made from that list by the CEO.

The Winnipeg ROs spoke of the added pressures on Elections Canada created by the delayed appointment of returning officers, and recommended that a vacancy be filled by the CEO if the government has not made a nomination within 60 days. They said that Elections Canada should be allowed to recommend the replacement of an RO if that person's performance was evaluated negatively.

Mr. Jean-Marc Hamel contended that the government's power to appoint ROs is abused when ridings are changed at redistribution. He recommended that the CEO have the power to reassign ROs when new ridings are created so that the government would appoint only when there were a genuine need for replacement.

Nickel Belt MP John Rodriguez and other intervenors criticized having candidates appoint enumerators and recommended that alternatives be found. Several ROs recommended that enumerators be appointed and even trained before the election was called and some suggested that preparing for the election would be easier if there were a fixed term.

ROs noted increasing difficulties in recruiting enumerators and in extracting nominations from the parties. Mr. Al Dahlo, RO for North Vancouver, recommended moving to one enumerator per poll, with 60% named by the governing party and 40% by the opposition; he also proposed that 16 and 17 year olds were hard workers and easy to train and should be permitted to work as enumerators, as poll clerks and as DROs. This is already allowed in Manitoba, where the test is competence rather than age.

Related issues:

Related issues include enumeration, the permanent list, revision, voting procedures, Elections Canada organization, public information, and redistribution.

Major intervenors:

Ms. Carole Scrivener (Winnipeg, April 19);

Mr. Jacques Charpentier, Returning Officer (Quebec, April 30);

Ms. Ruth Haehnel, Returning Officer (Toronto, May 7);

Mr. Al Dahlo, Returning Officer (Vancouver, May 17);

Other Intervenors:

Mr. Jean-Marc Hamel (Ottawa, March 12)

Ms. Claudy Mailly, former MP (Ottawa, March 13)

Mme Suzanne Carrière, (Ottawa, March 13)

Mr. Jacques Lavoie (Montreal, April 9)

Mme Henriette Guérin (Montreal, April 10)

Mme Céline Bernier, RO for St-Laurent-Cartierville (Montreal, April 10)

Ms. Madge McKillop (Saskatoon, April 17)

Mr. William Werezak, Ms. Joyce Brown, Mrs. Peggy Woods (Saskatoon, April 17)

Mr. Ed Whelan (Regina, April 18)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Mr. Lyle Walsh, RO, Churchill (Thompson, April 20)

Mr. Louis Duclos, former MP (Quebec, April 30)

Ontario Association for Community Living (Toronto, May 7)

Ontario Advisory Council on Senior Citizens (Toronto, May 8)

Mr. John Rodriguez, MP (Sudbury, May 9)

Professor Bruce Lundgren (London, May 10)

Mr. Garnet Bloomfield, former MP (London, May 10)

Liberal Riding Associations (London, May 10)

Ms. Pat Portsmouth, New Westminster-Burnaby NDP (Vancouver, May 17)

Dr. Frederick Engelmann (Edmonton, May 23)

Alan Clark, John Day, Alice Killam and Sam Donaghey, ROs (Edmonton, May 23)

Ms. Rosemary Cairns, RO, Western Arctic (Yellowknife, May 24)

Mr. Cyril Keeper, former MP (Winnipeg, May 29)

Ms. Elizabeth Dashwood, RO (Toronto, May 30)

Mr. Charles Caccia, MP (Toronto, May 30)

Halifax ROs (Halifax, June 4)

Ms. Mary Margaret MacLean, RO (Sydney, June 5)

Mr. Maurizio Bevilacqua, MP (Ottawa, June 11)

Ms. Albina Guarnieri, MP (Ottawa, June 12)

Mr. Michael Martin and Ms. Melissa Coleman (Ottawa, June 13)

Dr. Jean Cottam (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

7. ADVERTISING AND FREE TIME

Key issues:

- * Should the Elections Act regulate the provision of paid and free time in the broadcast media to parties during federal elections?
- * How should paid and free time in the broadcast media be divided among the parties?
- * Should the blackout on political advertising at the start and end of a campaign be retained?

Background:

The regulation of broadcast media under the Elections Act dates to a time when there were very few television stations in Canada. It focuses on advertising and free time, but also deals with the premature broadcasting of election results, and on the blackout of political advertising, which is in force for the first half and for the last 24 hours of the campaign. Although cable television is regulated by the CRTC, cable is not considered to be a "broadcasting undertaking" and is therefore not covered by the Elections Act.

The Act provides for the appointment of a Broadcast Arbitrator who determines the division of broadcast time among the parties.

Section 99 of the Act requires broadcasters to make available 6 1/2 hours of prime time for paid political advertising during an election, to be divided on a formula based on the number of seats and the proportion of the popular vote each party won at the last general election. No party may have more than half the time available. Minor parties have the right to a minimum of six minutes of advertising time.

The major networks, but not individual stations, are also required to make free time available to the parties. Free time is given in proportion to each party's allocation of paid time, with a minimum of two minutes provided to each minor party. In

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1988, many of the parties' free-time broadcasts were so short they were hard to distinguish from commercials.

The CBC is the only local radio and television broadcaster available to most of the Northwest Territories. The CBC's northern network follows general CBC policy and does not accept paid campaign advertising from local candidates during election periods. As a consequence, there is no outlet for broadcast advertising by local candidates in the NWT - an area where more than half of the population is classed as functionally illiterate.

Suggested alternatives:

Regulation of broadcast time:

- Remove all rules respecting paid advertising and free time broadcasting by the parties in federal elections;
- Maintain the present regulations;
- Provide more broadcast time to be shared among the parties;
- Drop the requirement that networks provide free broadcast time to the parties in federal elections;
- Reduce the amount of time for paid advertising by the parties and provide more free broadcasting time instead;
- Extend the rules to cable TV and to cable "networks" such as Vision TV, Muchmusic and TV-5;
- Drop the CBC's restriction on accepting local campaign advertising in remote ridings and make more free time available to local candidates on CBC stations in these areas;

Allocation of time:

- Divide paid and free broadcast time equally among the parties;
- Maintain the present system based on votes and seats at the previous election;

- Develop a new formula for dividing time among the parties;

The blackout:

- Drop the blackout on paid advertising at the beginning of a federal campaign;
- Drop the blackout if the campaign period is shortened;
- Drop the blackout on advertising in the final 24 hours of the campaign.

Comments and proposals:

Quebec broadcasters advocated that the Elections Act rules regarding broadcasting be scrapped, while the Canadian Association of Broadcasters and the CBC endorsed the present system. Intervenors from the Libertarian party also supported having no rules, while other intervenors, mostly from the smaller parties, endorsed having rules for broadcasting but wanted the present rules changed.

Mr. Bill Tomlinson, a former Libertarian candidate, acknowledged that some regulation might still be required to ensure that broadcasters provide time to political parties in preference to advertising that was already booked when an election was called. The Parti nationaliste called for an increase in the amount of broadcast time made available to the parties.

A number of intervenors from smaller parties complained about the limited amount of broadcast time they were allotted under the present system. Mr. Preston Manning of the Reform Party and Ms. Trudy Frisk of the Greens recommended that time be divided equally among all registered parties; Station VPCM in St. John's recommended an equal division, but confined to the parties with seats in Parliament.

The CBC supported the present system of allocation, but recommended that free time party broadcasts deal with issues and be run in three or four minute blocks so that they are clearly distinguished from regular commercials. CTV endorsed the concept of giving the parties equitable treatment, but resisted moving to a basis of equality.

Mr. George Hewison of the Communist Party proposed a revised system of allocation in which one-third of the time provided by

broadcasters would be divided equally among registered parties, regardless of their number of candidates; one-third according to the number of votes in the previous election, and one third according to the number of elected seats held. This kind of formula was endorsed by Mr. Greg Vezina of the Greens as an alternative to the equal sharing of time, provided that the threshold for a party to receive public subsidy was lowered to three per cent of the vote.

The Parti nationaliste, a regional party in Quebec, pointed out that the networks made free time available to the parties only on a national basis, and recommended that air time be allocated on a regional basis to regional parties.

The question of requiring individual stations to provide free time to the parties, or of extending the Elections Act regulation to cable TV systems or to network-type cable services such as the Sports Network, Muchmusic, Vision TV, the Family Channel, etc., was not raised during the hearings.

The blackout on advertising in broadcast media and newspapers in the first three weeks and the final day of the campaign was opposed by broadcasters, but not vehemently. Senator Norman Atkins and MP Scott Thorkelson recommended that the blackout be eliminated at the same time that the campaign period is shortened. The Alliance on Trade and Job Opportunities said it could support a blackout of political and of advocacy group advertising in the last 72 hours of the campaign.

Mr. Don Scott, in Yellowknife, and MP John Manley recommended that the amount of paid political advertising be reduced with more free time provided in its place, possibly paid for publicly. Ms. Connie Harris of the Greens suggested that all paid advertising be placed locally and that there be no network advertising for the parties. Ms. Kathryn Cholette, also of the Greens, recommended that no more than 25% of a party's television ads be permitted to be 'negative' or to criticise another party. The Canadian Association for the Deaf recommended that all TV advertising by the parties be close captioned, so as to be accessible to the deaf.

The CBC was strongly criticised by intervenors in Yellowknife and Iqaluit for its policy of not allowing local campaign advertising on its northern network serving the NWT. Intervenors noted that native broadcasting stations did not carry advertising either, because of their CRTC licence or their transmission agreements with the CBC. A number of intervenors recommended that the CBC allocate more free time to candidates in the north, rather than confining its local election coverage to news broadcasts controlled by its own staff.

Representatives for the CBC said it had been having discussions on the north since 1979. However, it was CBC policy not to sell time to the parties beyond what is required by law. The CBC had made provisions for remote regions to have more free time for political broadcasts, but in the last election it was decided to step up local news coverage of the campaigns rather than make more free time available.

Technical issues:

Several broadcasters raised technical issues relating to their contract responsibilities and their obligations under the Broadcast Act. The CBC requested that broadcasters not be held liable for the content of political advertisements when they have been accepted in good faith.

Mr. Michael Keller, of the Mid-Canada Network, asked that the Elections Act be amended to relieve broadcasters of liability to clients who are preempted, when advertising time has to be made available for election purposes.

CTV asked that the networks not be required to give free time to political parties which fail to become registered, and the CBC suggested that the smaller parties have to take more responsibility to arrange for their free time rather than its being the network's responsibility.

Mr. Greg Vezina, for the Greens, noted that proposed amendments to the Broadcasting Act would do away with the requirement that the networks provide facilities for the parties to make their commercials and suggested that this provision be added to the Elections Act. He also maintained that the amendments would remove broadcasters' obligations to provide equitable coverage to the parties during election campaigns.

Related Issues:

Related issues include broadcasting issues, minor party issues, public funding issues, government advertising in elections, local riding finance and organization, and party finance and controls.

Major intervenors:

Association canadienne de la radio et de la télévision de langue française (Quebec, April 30)

Three local broadcasting stations (Chicoutimi, May 1)

The Canadian Association of Broadcasters and CTV Television Network (Toronto, May 8)

Mr. Michael Keller, Mid-Canada Communications (Sudbury, May 9)

Mr. Michael McEwen, Canadian Broadcasting Corporation (Ottawa, June 13)

Mr. Matthew Spence, Nunatsiak News; Ms. Lynda Gunn, Inuit Broadcasting Corporation; Mr. Simon Awa and Mr. Patrick Nagle, CBC Northern Service (Iqaluit, July 23)

Other Intervenors:

Canadian Cable TV Association (Ottawa, March 12)

Senator Norman Atkins (Ottawa, March 13)

Mr. David Crawford (Victoria, March 26)

Ms. Kathryn Cholette, Mr. Steve Kisby, and Mr. Richard Bidwell Green Party of Canada (Vancouver, March 27)

Bill Tomlinson (Vancouver, March 27)

Mr. Paul Wilson, Canadian Daily Newspaper Publishers Association (Toronto, May 8)

Mr. George Hewison, Communist Party of Canada (Toronto, May 8)

Libertarian Party of Canada (Toronto, May 8)

Mr. Don Gavin, Official Agent for NDP (Kamloops, May 9)

Ms. Trudy Frisk, Green Party of Canada (Kamloops, May 15)

Ms. Connie Harris (Kamloops, May 15)

Vancouver Libertarian Association (Vancouver, May 17)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22)

Ms. Sara Johnson (Edmonton, May 23)

Mr. Don Scott (Yellowknife, May 24)

Mr. A.J. Moreau (Winnipeg, May 29)

Mr. Greg Vezina, Green Party of Canada (Toronto, May 30)

Ms. Rita Ubriaco (Toronto, May 30)

Dr. Brian Joseph, University College of Cape Breton (Sydney, June 5)

Mr. Randy Simms, Radio VOCM (St. John's, June 6)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Mr. John Manley, MP (Ottawa, June 13)

Ms. Michelle Falardeau-Ramsay, Canadian Human Rights Commission (Ottawa, June 13)

Dr. Jean Cottam (Ottawa, June 13)

Nunatsiaq Liberal Party (Iqaluit, July 23)

Mr. Abe Okpik (Iqaluit, July 23)

Ms. Cheri Kinnear, Iqaluit Chamber of Commerce (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

8. BROADCASTING: GENERAL ISSUES

Key issues:

- * Should broadcast media be subject to strict regulation at election time when other media are not regulated?
- * Should a televised leaders' debate be established through the Elections Act or continue to be organized voluntarily by the networks and the parties?
- * Should leaders of minor parties take part in the TV leaders' debate, or be given some other form of access to television?

Background:

The regulation of broadcast media, under the Elections Act, dates to a time when there were very few television stations in Canada. It focuses on advertising and free time (covered separately); on premature broadcasting of election results before the polls close in western Canada; and on the blackout of political advertising for the first half of the campaign and for the last 24 hours. The Act makes no reference to televised leaders' debates.

The Act provides for the appointment of a Broadcast Arbitrator, either by representatives of the parties in Parliament, or by the Chief Electoral Officer if the parties cannot agree on a candidate. The arbitrator determines the division of broadcast time among the parties.

Televised debates among the party leaders have been held in six of the last seven general elections. They have been organized by the TV networks; participation by the party leaders is by invitation and has been voluntary. The format for each debate is negotiated between the parties and the networks. A minor party leader (M. Real Caouette) took part in the leaders' debate on one occasion, in 1968.

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Bill C-79 proposed dropping the restriction on premature broadcasting of election results and making it illegal for a candidate for nomination to broadcast during the blackout period at the start of a campaign.

Suggested alternatives:

Regulation:

- Maintain the regulation of broadcasting during election periods;
- Continue to regulate broadcasting, but extend the rules to newspapers and to new media outlets such as cable television;
- Drop specific rules from the Elections Act and rely on existing, general rules under the Broadcasting Act to ensure fairness.

Leader's debate:

- Through the Elections Act, require that one or more leaders' debates take place at every election;
- Encourage a leaders' debate but leave the organization up to the networks and the parties;
- Have a series of debates on different issues between the leaders and/or leading party members rather than just one main event.

Minor parties:

- Include minor party leaders in the televised leaders' debate;
- Define minor parties more tightly, then include them in the televised leaders' debate;
- Keep the main debate for the major parties but give the minor parties a separate leaders' debate on television;
- Exclude minor parties from the debate, but provide them with other forms of increased access to television, including the Parliamentary Channel;

- Require that broadcasters devote a certain amount of news coverage to the minor parties.

Premature broadcasting of election results:

- Remove the restrictions in the Act on premature broadcasting of election results;
- Keep the rules in place;
- Move to uniform voting hours or seal the ballot boxes until all votes have been cast.

Parliamentary Channel:

- Use the Parliamentary channel on cable TV for such purposes as debates among the parties and broadcast access to minor parties, as well as providing election information.

Comments and proposals:

There was sharp divergence over the idea of a legislated leaders' debate with both private and public broadcasters opposed, but with party and labour representatives in favour. The networks were supported by Professors Lemieux and Quesnel and by the Fédération professionnelle des journalistes. Those supporting a legislated leaders' debate included Senator Norm Atkins, MP Patrick Boyer and former Ontario PC party leader Larry Grossman, the Quebec federal Liberals, and the Canadian Labour Congress and several of its provincial labour federations.

Mr. Francis Fox, for the Quebec Liberals, and Mr. Grossman of the Ontario PCs both contended that under the present system, the government party had the advantage in negotiations over a leaders' debate because the opposition parties could not afford the debate not being held. Most of the rules for an election campaign were fixed and the rules for the TV debate should also be fixed through the electoral law.

Professor Desbarats was unsure as to whether the legislation should specify a format, but agreed with the suggestion that the Broadcasting Arbitrator might make the final decision if the networks and the parties could not agree. The CLC proposed that the general rules as to timing, number of debates and who should participate should be included in the law after consultation with the parties.

The CBC and other broadcasters contended that the leaders' debate was journalism or information programming and, therefore, should not be subject to regulation like political advertising or free time broadcasts. The law should aim to promote the free circulation of information rather than imposing restrictions, the Fédération professionnelle des journalistes contended. The parties were very skittish in negotiating over the debates, according to Mr. Ted Kotcheff of CTV. If every party were to be invited to a mandatory debate, the major parties might decide not to take part and a valuable tradition would be lost.

Mr. Bob Roth, a journalism researcher at Carleton University, contended that there is systematic discrimination in the electronic media against the minor parties as evidenced in their very limited coverage on network newscasts. He, and the Parti Nationaliste, recommended that all party leaders be represented in the leaders' debate.

Most intervenors took a more cautious approach. Mr. Preston Manning of the Reform Party said it was impractical to have 10 or 12 leaders in a TV debate and recommended that some other 'middle way' be found. Mr. Elmer Knutson of the Confederation of Regions Party suggested the minor parties be given more free time as an alternative to inclusion in the debate. MP Simon de Jong suggested a special debate for minor party leaders only; his colleague, MP Nelson Riis, suggested that leaders of 'serious' minor parties like the Reform Party and the Greens be included; MP Patrick Boyer suggested that time given to minor party leaders be pro-rated.

Professor Desbarats suggested a common-sense, case-by-case approach while the Canadian Labour Congress suggested including parties which were represented in the House of Commons or which had more than 10% of the vote in the previous election. Mr. Vezina, of the Greens, suggested that minor parties be required to hold annual meetings and put up more candidates to be recognized; but then be allowed to participate equally with the major parties in the debates.

Two intervenors, the Christian Heritage Party and the B.C. Liberals, suggested that broadcasters should have a certain obligation to provide news coverage of the minor parties during campaigns as part of their obligation to fairness in broadcasting. Mr. Greg Vezina disputed the networks' interpretation of equitable coverage which, in the case of the Greens, had meant almost no news coverage at all in the 1988 campaign.

Mr. Michael McEwen of the CBC contended that the CBC sought to reflect parties and leaders to the extent that they were

having an impact on a campaign; new parties were getting coverage but they had to start in a region before making themselves felt nationally. The Canadian Association of Broadcasters endorsed the concept of 'equitable' treatment for the parties, but insisted that this did not mean equal treatment.

Broadcasters in Chicoutimi made the strongest case for eliminating the electoral regulations affecting broadcasting. They contended that there is no longer a limited number of stations and of advertising time available, that there is vigorous competition among broadcasters, and that the amount spent in the region on political advertising has been falling because most spending by the parties was on network television. Commissioners asked, on several occasions and in different provinces, how television time had been allocated among the parties in provincial elections where there are no regulations, but there were no reports of difficulties.

With regard to the premature release of election results, only one intervenor, Councillor Ken Collin of Thompson, urged that the present regulations be retained, while several broadcasters asked that they be scrapped, among them the Canadian Cable TV Association. The CTV asked that voting hours be made uniform or that ballots be sealed in eastern Canada until the polls closed in the West. The issue of voting hours was discussed at length and is outlined separately.

MPs Lloyd Axworthy and Simon de Jong recommended that the Parliamentary Channel be used to carry debates among the parties during an election. The same suggestion came from Mr. Greg Vezina of the Greens, who also wanted to see some time given to the parties individually.

In the Northwest Territories, intervenors criticised the CBC for not allowing more free time to local candidates and for not accepting local campaign advertising on its northern network. Mr. Simon Awa, for the CBC, and Ms. Lynda Gunn, of the Inuit Broadcasting Corporations, said that a major problem for northern broadcasting services is funding. Ms. Gunn recommended the establishment of an all-candidates forum during the election, but another journalist, Mr. Matthew Spence, of Nunatsiaq News, said the northern media lacked the money required to organize such a debate.

Technical issues:

The Association canadienne de la radio et de la télévision de langue française recommended that the Elections Act provide for a national system for collecting election results to replace

the independent arrangements now made by the news media. The costs would be paid by the networks, but with pooled resources the system would work better. This proposal was also supported by CTV.

The CAB and CTV urged that broadcasters retain copyright control of the contents of the leaders' debate, so that excerpts could not be used in the parties' advertising as the Liberals attempted to do in the 1988 campaign. Professor Desbarats countered that the debate was a public document like an article in a newspaper and that the parties should therefore have the right to clip and use parts of the debate.

Related issues:

Related issues include advertising and free time, voting hours, minor party issues, opinion polls and public information and education. Specific problems of broadcast access to voters in the North are dealt with under northern issues.

Major intervenors:

Mr. Michael Hind-Smith, Canadian Cable TV Association (Ottawa, March 12)

Mr. Bob Roth, citizen (Ottawa, March 12)

British Columbia Association of Broadcasters (Vancouver, March 27)

Fédération professionnelle des journalistes du Québec (Quebec City, April 30)

Association canadienne de la radio et de la télévision de langue française (Quebec City, April 30)

Mr. Marc André Levesque, CHRL Radio; Mr. Roger Jobin, CJPM Television; and Mr. Denis Langlois, CKRS and CFRS Television (Chicoutimi, May 1)

Canadian Association of Broadcasters and CTV Television Network (Toronto, May 8)

Mr. Michael Keller, Mid-Canada Communications (Sudbury, May 9)

Professor Peter Desbarats, University of Western Ontario (London, May 10)

Mr. Gregory Vezina, Green Party of Canada (Toronto, May 30)

Mr. Randy Simms, VOCM Radio (St. John's, June 6)

Mr. Michael McEwen, Canadian Broadcasting Corporation (Ottawa, June 13)

Mr. Matthew Spence, Nunatsiak News; Ms. Lynda Gunn, Inuit Broadcasting Corporation; Mr. Simon Awa and Mr. Patrick Nagle, CBC Northern Service (Iqaluit, July 23)

Other intervenors:

Mr. Sandy MacKay, P.E.I. Federation of Labour (Charlottetown, March 21)

B.C. Liberal Party (Vancouver, March 27)

Christian Heritage Party (Vancouver, March 27)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Professor Howard McConnell, University of Saskatchewan (Saskatoon, April 17)

Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry Sperling, and Dan de Vlieger, University of Regina (Regina, April 18)

Mr. Frank Flegel, CKCK-TV (Regina, April 18)

Mr. Fred Yeo, Regina-Wascana PC Riding Association (Regina, April 18)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Mr. Richard Whidden, PC Riding Association of Churchill (Thompson, April 20)

Mr. Ken Collin, councillor (Thompson, April 20)

Professor Vincent Lemieux (Quebec City, April 30)

Professor Louise Quesnel (Quebec City, April 30)

Mr. Larry Grossman, former leader Ontario PC Party (Toronto, May 8)

Mr. Patrick Boyer, MP (Toronto, May 8)

Mr. Nelson Riis, MP (Kamloops, May 15)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22)

Mr. Elmer Knutson, Confederation of Regions Party (Calgary, May 22)

Alberta Federation of Labour (Edmonton, May 23)

Ms. Dorothy Barkley, Yellowknife Chamber of Commerce (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Manitoba Federation of Labour (Winnipeg, May 29)

Ms Maybelle Durkin, Canadian Home and School and Parent-Teacher Federation (Ottawa, June 11)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Mr. James Roots, Canadian Association of the Deaf (Ottawa, June 12)

Mr. Simon de Jong, MP (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

9. REDISTRIBUTION ISSUES

Key issues:

- * How should the principle of representation by population be balanced against the concerns of rural and northern Canada in drawing constituency boundaries?
- * How much should the population of individual ridings be allowed to vary from the average in each province, as a result of redistribution?
- * Should the rules that keep provinces like New Brunswick and Saskatchewan from losing seats through redistribution be rescinded?
- * How can the process of redistribution be speeded up and improved?

Background:

Canada's electoral map is revised every 10 years by Boundaries Commissions established in each province under the Electoral Boundaries Readjustment Act. This Act determines the number of seats in Parliament for each province and the average population per seat, based on the most recent decennial census. No riding may vary more than 25% from the average for its province as a result of redistribution, except where a Boundaries Commission finds that there are extraordinary circumstances.

A series of rules has been created which prevent any decline in the number of seats in any province whose relative share of Canada's population has declined. The oldest of these is the "Senatorial floor" which determines that no province may have fewer seats than it has senators and which particularly benefits Prince Edward Island.

The law gives MPs special status in the process of redistribution. They can appear before a Boundaries Commission along with the public at large and can also sit on, or appear

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- * This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

before, a Parliamentary committee which considers redistribution proposals before they are enacted.

Suggested alternatives:

- Canada should apply a strict policy of representation by population in drawing up riding boundaries, similar to the policy applied in the United States;
- Canada should put more weight on community of interest in drawing up new riding boundaries, rather than relying too heavily on the principle of "one person, one vote";
- The representation of certain sparsely-settled ridings or regions should be protected through specific reference in the law;
- The population of each redistributed riding should be allowed to vary by no more than plus or minus 5% (or 10% or 25%) from the quotient for the province;
- The law permitting ridings to be created with a population more than 25% above or below the provincial quotient where "extraordinary circumstances" prevail should be rescinded;
- To offset the effects of representation by population on sparsely-settled ridings, additional resources should be given to help MPs in these ridings serve their constituents;
- Provinces whose share of national population declines should have their number of seats in Parliament reduced, but by no more than 1 seat per province every 10 years;
- Redistribution should take place more quickly after each decennial census or should be based on more recent population figures than the census; such as the voters' list from the most recent election;
- The role of MPs in the redistribution process should be reduced or eliminated;

- Canadian electoral districts should be named after eminent figures from literature, history, etc., rather than using geographical names.

Comments and proposals:

There was a sharp divergence on the issue of redistribution between intervenors who advocated representation by population and those more concerned with the arguments for community of interest and with the problems of rural and sparsely-settled ridings.

The group favouring rep by pop included Mayor Gordon Campbell and MP Ian Waddell of Vancouver, Professors John Courtney, Andrew Sancton and Conde Grondin, the Alberta Liberals, Calgary PCs and Alberta Federation of Labour, and Professor Stewart Hyson of Fredericton. Those showing more concern for issues of geography and of community included Mr. Richard Cashin, the Newfoundland PCs, Mr. Alonzo Leblanc of the Société des Acadiens et Acadiennes de Shediac, Mr. John MacDougall, MP for Timiskaming in northern Ontario, Ms. Leona Mayer from the Churchill NDP, and the Saskatchewan Association of Rural Municipalities.

A half-dozen intervenors favoured allowing the population of redistributed ridings to vary by no more than 10% from the provincial quotient, while only one, Professor Sancton, specifically favoured the present variance of plus or minus 25%. Professors Ruff, Sancton and Courtney spoke against the 'extraordinary circumstances' clause which permits the creation of ridings above or below the 25% limit and Mr. Jean Cadieux, in Moncton, suggested that Parliament should define these areas in legislation rather than leaving the decision up to boundaries commissions.

Mr. MacDougall was the only intervenor to support retaining the provision, but was one of a number who expressed concern at the decline of rural or of farm representation in Parliament.

Professor Courtney cited figures to show that after the 1987 redistribution, two-thirds of all federal ridings were within 10% of the electoral quotient for their province and only two dozen of the 295 ridings were more than 20% away from the provincial quotient. In Saskatchewan, the boundaries commission had created ridings with only a 5% variance.

Mr. Waddell pointed out that under the present system, however, a vote in Kootenay East was worth about 40% more than a vote in Vancouver Centre. Professor Grondin showed there was a

44% difference between the population of Restigouche riding and Moncton riding after redistribution, based on the 1981 census population of the two ridings.

Mr. MacDougall, and MP Maurice Foster, asked that northern Ontario retain its 11 seats in Parliament despite the faster growth of urban areas in southern Ontario, and pointed out that their area comprises 88% of the land area of the province. PCs in the Yukon and the NorthWest Territories also asked for legislated guarantees that the three seats in the two territories would be preserved despite their low population.

Ms. Leona Mayer, from Churchill riding, contended that the requirement that boundaries commissions consider maintaining a "manageable geographic size" for sparsely populated ridings had been ignored in 1987. In the case of Churchill riding, which covers more than 500,000 square kilometers, 15 isolated communities on the east side of Lake Winnipeg had been added to the riding over the objections of many people in the riding, even though these communities were only accessible by plane flying through Winnipeg.

A number of intervenors who favoured representation by population asked that more resources be provided to help MPs in sparsely settled and northern ridings to serve their constituents.

Professors Adamson, Lemieux and Sancton questioned the Senatorial floor and other rules to guarantee slower-growing provinces against losing House of Commons seats and suggested that reductions should be possible, but by no more than one seat per province every ten years. This was also supported by the Calgary PCs and the Alberta Federation of Labour.

The redistribution process was criticised for taking too long and for being based on out-dated census figures. Professor Grondin suggested that the population of ridings be based on the number of registered voters at the previous election and the Alberta Liberals suggested more frequent census-taking or using population estimates based on aerial photography or on real estate data.

Professor Sancton, a member of a boundaries commission in 1984, spoke of the lack of resources given to the commissions to do their job. The Calgary PCs urged that redistribution take place within one year of census results being published. Both urged that the role of MPs in the process be reduced.

The possibility of creating special seats for aboriginal Canadians was discussed at length, and is outlined separately.

Dr. Viola Robinson of the Native Council of Nova Scotia suggested that the principle of having MPs represent constituencies of people be extended, so that each group of people, i.e. British, French, black, native, etc., would be represented by MPs in proportion to their numbers.

Professor Ruff, in Victoria, suggested that the practise of using geographical names for Canadian constituencies be reconsidered and that the Australian and Quebec practise of naming electoral districts after eminent artists, writers, politicians, etc. be used instead. If community names were not used, this would also make it easier to change constituency boundaries.

A number of intervenors in Iqaluit made the case for the creation of a third riding in the Northwest Territories to be known as Nunavut, which would mainly comprise the Inuit population of the Eastern Arctic. Mr. Bryan Pearson, a former Conservative candidate, contended that the present riding of Nunatsiak is much too large and that having Tuktoyaktuk and the Belcher Islands in the same federal constituency is particularly unwieldy. If the NWT were divided into three ridings, then the boundaries would follow the traditional lines of communication in the North. Ms. Cheri Kinnear of the Iqaluit Chamber of Commerce disagreed and said the current division of the NWT into two ridings seems to be the most logical arrangement.

In Kuujjuaq in northern Quebec, Makivik Corporation and other intervenors also made a case to improve Inuit representation, but in this case by creating a new Quebec riding out of the northern portions of Abitibi and Manicouagan ridings, rather than dividing northern Quebec into two constituencies, each dominated by people living further south.

Although various forms of proportional representation were proposed to the Commission, no suggestions were made as to how this would affect redistribution.

Related issues:

Related issues are discussed under aboriginal issues, electoral system and general issues, and northern and remote ridings.

Major intervenors:

Professor Conde Grondin, University of New Brunswick
(Fredericton, March 19)

Professor Stewart Hyson (Fredericton, March 19)

Mr. Jean Cadieux (Moncton, March 20)

Dr. Norman Ruff, University of Victoria (Victoria, March 26)

Mr. Ian Waddell, MP (Vancouver, March 27)

Professor John Courtney (Saskatoon, April 17)

Saskatchewan Association of Rural Municipalities (Regina,
April 18)

Mr. John MacDougall, MP (Sudbury, May 9)

Professor Andrew Sancton (London, May 10)

Miss Carol Blair, Calgary Southeast PC Association (Calgary,
May 22)

Dr. Harvey Pasis, Athabaska University (Edmonton, May 23)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Other intervenors:

Mr. Theo Noel, RO (Fredericton, March 19)

Mr. Alonzo LeBlanc, Société des Acadiens et Acadiennes de Shediac
(Moncton, March 20)

Ms. Elizabeth Reagh, lawyer (Charlottetown, March 21)

Mayor Gordon Campbell of Vancouver (Vancouver, March 27)

Mr. Jan Davis, Westmount-St. Henri Liberal Association (Montreal,
April 11)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon,
April 17)

Mr. Jerry Herman, teacher (Regina, April 18)

Ms. Leona Mayer, NDP official agent, (Thompson, April 20)

Mr. Richard Whidden, Conservative Riding Association in Churchill
(Thompson, April 20)

Mr. Pierre-F. Côté, CEO (Quebec City, April 30)

Professor Vincent Lemieux (Quebec City, April 30)

Mr. Fern Coulombe, citizen (Chicoutimi, May 1)

Mr. Patrick Michael, CEO for Yukon (Whitehorse, May 14)

Liberal Party of Canada in Alberta (Calgary, May 22)

Alberta Federation of Labour (Edmonton, May 23)

Mr. Cameron Donald, citizen (Edmonton, May 23)

Western Arctic PCs (Yellowknife, May 24)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Dr. Viola Robinson, Native Council of Nova Scotia (Sydney,
June 5)

Mr. Richard Cashin, Fisheries Food and Allied Workers (St. John's
June 6)

Mr. Stephen Delaney, President, PC Association of Newfoundland
and Labrador (St. John's Newfoundland, June 6)

Dr. Maurice Foster, MP (Ottawa, June 11)

Mr. Robert Groves, Native Council of Canada (Ottawa, June 12)

Mr. W.B. Snarr, consultant (Ottawa, June 12)

Mr. Ian Cowie, consultant on aboriginal issues (Ottawa, June 13)

Canadian Labour Congress (Ottawa, March 12)

Ms. Cheri Kinnear, Iqaluit Chamber of Commerce (Iqaluit, July 23)

Mr. Duncan Cunningham, Baffin Regional Inuit Association,
(Iqaluit, July 23)

Mr. Tikile Kleist (Kuuujuaq, July 24)

Mr. Jean Guy Bousquet, Kativik Regional Government (Kuuujuaq,
July 24)

Mr. Zebedee Nungak, Makivik Corporation, (Kuuujuaq, July 24)

Mr. Bryan Pearson (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

10. VOTING AGE

Key issue:

- * Should the voting age in federal elections be kept at 18 or reduced? If the age is reduced, what should be the new voting age - or should there be a fixed minimum age for voting?

Background:

Section 14 of the Elections Act sets a minimum voting age of 18 for federal elections. The minimum voting age in provincial elections in Canada is 18 or 19. Members of the Canadian Armed Forces including students at Canada's military colleges have the right to vote even if they are not yet 18.

The Charter of Rights and Freedoms bars discrimination on the basis of age except under Section 1. No court challenges have been launched by persons under the age of 18 seeking the right to vote.

Although 18 is the minimum age for voting, the average age at which new voters can vote for the first time is about 20 (assuming a normal Parliamentary cycle of four years) and can be as high as 22, depending on birth date.

Suggested alternatives:

- Raise the age for voting in federal elections to 19 or above;
- Maintain the voting age at 18;
- Lower the voting age to 16;
- Lower the age to somewhere between 14 and 16;
- Remove any arbitrary lower limit on the voting age or find some other criterion for qualification

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

(such as eligibility for driver's license, high school graduation, etc.).

Comments and proposals:

A number of intervenors proposed lowering the voting age, with 16 generally proposed as the alternative to the present voting age of 18. Two intervenors suggested that there be no lower limit, while the Canadian Bar Association suggested that the new voting age be set somewhere between 14 and 16. There were no proposals to increase the voting age.

A half dozen intervenors, who favoured a lower voting age, dealt with the issue at some length, but the issue was mainly raised during questioning by the Commissioners. Apart from the Canadian Legion branches in Cape Breton, there was no really strong opposition to a lower voting age; however, the issue was not a priority for most intervenors. Student representatives who appeared before the Commission spoke both for and against a lower voting age, although the arguments of those for a lower age were more strongly developed.

In arguing for a lower voting age, witnesses contended that young people today are more mature than previous generations, and that many young people take on social and economic responsibilities well before the age of 18. Canada has seen a general trend to lowering the age of responsibility, and young people are generally able to drive at 16, to leave school at 16, and to enter the armed forces at the age of 16 or 17. Recent amendments to the Young Offenders Act mean that young offenders can be tried in adult courts for serious offenses below the age of 18.

It was argued that young people at 16 have interests which may not be adequately represented by their parents voting on their behalf, that they are making career decisions at 16 which affect their future lives, and that young people stand to inherit the problems created by the current political system.

Witnesses suggested that lowering the voting age would make the political parties reach out to young people, and it would encourage high schools to provide students with education in politics which they may otherwise never receive. It was also suggested that human rights begin at birth, not at 18.

While most intervenors favouring a lower age suggested the new voting age be 16, one, Mr. Ian Hunter of Vancouver, developed an argument that there should be no lower limit, and that young people should vote when they feel ready to. Mr. John Jennings, of the Canadian Bar Association, contended that a

voting age of 18 would not stand on Charter grounds, but that an age somewhere between 14 and 16 would be seen as reasonable.

Several intervenors, including Mr. Richard Balasko, acting CEO in Manitoba, suggested that high school students below 18 be used for carrying out enumeration, but did not link this to the issue of voting age. In Manitoba, where high school students are used for this purpose, enumerators are required to be "competent" but no minimum age is set out in the province's Elections Act.

The major arguments offered against lowering the voting age were that the current age of 18 is an acceptable level; that to lower the voting age would have an impact on the Criminal Code and would lead to pressure to reduce the legal age for drinking; and that the current minimum age for voting is a "reasonable" limit under the Charter of Rights and Freedoms, because 18 is the minimum age for voting in most industrial countries.

On the issue of the drinking age, intervenors pointed out that the voting age is already lower than the drinking age in a number of jurisdictions, for example in Newfoundland and Ontario.

Major intervenors:

The following intervenors dealt mainly with the question of lowering the voting age in their submission and testimony. Where their position was expressed clearly, it is indicated:

Mr. Ian Hunter [In favour, no lower limit] (Vancouver, March 27)

Mr. William Ressler [In favour, 16] (Vancouver, March 27)

Students from Lower Canada College [In favour, 16] (Montreal, April 11)

Professor Patrice Garant [Opposed] (Quebec City, April 30)

Mr. Nelson Riis, MP [In favour, 16] (Kamloops, May 15)

Mr. James Lovelace, Canadian Legion branches [Opposed] (Sydney, June 5)

Canadian Bar Association [In favour, 14 to 16] (Ottawa, June 11)

Other Intervenors:

The following intervenors expressed an opinion or dealt briefly with issues related to the voting age:

Professor Conde Grondin (Fredericton, March 19)

PEI PC Riding Associations (Charlottetown, March 21)

PEI Federation of Labour (Charlottetown, March 21)

Mr. Michel Clair, Association des centres d'accueil du Québec (Montreal, April 9)

Mr. Jerry Herman (Regina, April 18)

Mr. Ted Kotyk, inmate from Stony Mountain Federal Penitentiary (Winnipeg, April 19)

Captain Louise Leblanc (Chicoutimi, May 1)

Student Committee for Electoral Reform (Sydney, June 5)

Mr. Dermot Whelan, Chief Electoral Officer of Newfoundland (St. John's, June 6)

Ms. Tara Ivanochko, St-John's East NDP (St. John's, June 6)

Student Union Council of Memorial University of Newfoundland (St. John's, June 6)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

Senator Norman Atkins (Ottawa, March 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

11. CANADIANS ABROAD

Key Issue:

- * Should Canadian citizens abroad have the right to vote in federal elections? If so, how should their vote be organized and who should be eligible?

Background:

The present Elections Act makes no provisions for Canadians voting abroad, except for members of the armed forces and Canadian diplomats, and federal government employees posted abroad. Except for aircrew and mariners, the proxy voting rules make no provision allowing a vote to be cast on behalf of a Canadian abroad.

The Charter of Rights and Freedoms guarantees the right to vote for every Canadian citizen. Section 14(1) of the Elections Act provides that every citizen is qualified as an elector, without restriction. However, Section 16 requires that a citizen must be "ordinarily resident" in a polling division (in Canada) in order to be enumerated; a person who is not enumerated cannot vote.

Bill C-79 proposed providing a vote for Canadians abroad who are registered on a special voter's list by the 10th day after the writs are issued.

Quebec is the only province to have extended voting rights to residents who are temporarily abroad. Beginning in 1989, they were entitled to vote if enroled on a special voter's list similar to that proposed in Bill C-79. This provision was advertised in Quebec during the 1989 election; some 1,000 voters used it.

Most industrial countries, including the U.S. and the U.K., extend the right to vote to their citizens abroad. In the U.K., this right is given to citizens abroad for as long as 20 years.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

- Allow any Canadian citizen abroad the right to vote in federal elections;
- Maintain the status quo;
- Allow Canadians abroad the right to vote, but impose certain restrictions or conditions, such as:

the citizen was abroad no more than 5 years (or 2, or 10);

if abroad more than 5 years, the citizen applied to retain their right to vote;

the citizen is abroad for work or study, but not for travel;

the citizen was "temporarily" abroad or "intends to return to Canada";

the citizen was resident in Canada at the last election;

the citizen was resident in Canada for tax purposes, or continues to maintain permanent residence in Canada;

the citizen is an international civil servant, or works for a Canadian embassy, or high commission, as locally-engaged staff.

Technical issues:

Intervenors also dealt with how to organize voting by Canadians abroad. Bill C-79 proposed that this be carried out by a mail ballot, similar to that used under the Special Voting Rights system for the military and for diplomats abroad. The options proposed included:

- Registering on an offshore voters' list before leaving Canada (or at any time), or at a Canadian office abroad;
- Letting eligible voters outside Canada vote at a Canadian office abroad; vote using a mail ballot; or have the option of voting in person at a Canadian office abroad, by mail, or by proxy.

Comments and proposals:

The issue of voting rights for Canadians abroad was raised or discussed by some 50 intervenors at the hearings. All favoured some extension, with the most common position being to give Canadians the right to vote from abroad for up to 5 years.

The federal NDP and Liberal representatives in Halifax and in London, Ont. had reservations about extending this right beyond people who were temporarily abroad or people abroad less than 2 years. MP Derek Lee hesitated about providing voting facilities at every Canadian embassy or office abroad on grounds of cost.

The intervenors who concentrated on this issue generally represented groups of Canadians working abroad who are now denied the right to vote, such as CUSO volunteers, international civil servants, Canadians hired by Canadian offices abroad as locally engaged staff, and contract employees for the CBC or CIDA who are denied voting rights because they are not permanent employees.

Without elaborating, the Native Council of Canada said that native people have particular problems with respect to voting because of the movement of native people across the Canada-U.S. border and of Inuit people between Canada and Greenland.

Major intervenors:

These intervenors dealt mainly with the question of voting rights for Canadians abroad:

Mr. Chris Bryant, CUSO (Ottawa, March 13)

Canadian International Civil Servants' Association (Toronto, May 7)

Mr. Robert Mahar, for locally engaged staff (London, May 10)

Mr. Morris Maduro, Alberta Government (Edmonton, May 23)

Ms. Margot McDiarmid and Mr. Kevin O'Reilly (Yellowknife, May 24)

Ms. Marlene Catterall, MP (Ottawa, June 11)

Other intervenors:

Canadian Labour Congress (Ottawa, March 13)

Mr. William Mott Stewart, doctoral student in computer science (Moncton, March 20)

Mr. George Daley (Moncton, March 20)

Dr. David Ross (Moncton, March 20)

Ms. Judy Whitaker, PEI New Democratic Party (Charlottetown, March 21)

PEI PC riding associations (Charlottetown, March 21)

Mr. Sandy MacKay, PEI Federation of Labour (Charlottetown, March 21)

Mr. Paul McKivett, Saanich-Gulf Islands Liberal Association (Victoria, March 26)

Mr. George Jenkins, Socialist Party of Canada (Victoria, March 26)

B.C. Council of NDP Federal Riding (Vancouver, March 27)

Mr. Bill Tomlinson, former Libertarian Party of Canada (Vancouver, March 27)

Professor Harold Angell, scientist at Concordia (Montreal, April 9)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Mr. Sylvain Auclair, Green Party (Montreal, April 10)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon, April 17)

Manitoba Libertarian Association (Winnipeg, April 19)

Ms. Lynn McDonald, former NDP MP (Toronto, May 7)

Professor William Christian, University of Guelph (Toronto, May 7)

Mr. Patrick Boyer, MP (Toronto, May 8)

Committee for 94 (Toronto, May 8)

Mr. Dennis Corrigan, Libertarian Party of Canada (Toronto, May 8)

Professor Bruce Lundgren, NDP candidate (London, May 10)

Mr. Graham McDonald, Yukon New Democratic Party (Whitehorse, May 14)

Mr. Tim Preston and Mr. Michael Lauer, Yukon Progressive Conservative Association (Whitehorse, May 14)

Ms. Connie, Harris, candidate for Green Party of Canada (Kamloops, May 15)

Vancouver Libertarian Association (Vancouver, May 17)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22
Edmonton, May 23)

Mr. Harold Johnson, accountant (Calgary, May 22)

Mr. Stephen Whipp, Western Arctic New Democrats (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Mr. Don Scott, consultant and former Manitoba MLA (Yellowknife, May 24)

Mr. Ted Murphy and Mr. Renald Guay, citizens (Winnipeg, May 29)

Institute for Political Involvement (Toronto, May 30)

Mr. Richard Wattam, citizen (Toronto, May 30)

Mr. Brian Harling, Ontario New Democratic Party (Toronto, May 31)

Professor Agar Adamson, Dept. of Political Sc., Acadia Univ. (Halifax, June 4)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Alex MacIsaac, NDP Official Agent (Sydney, June 5)

Mr. Stephen Delaney, President, Progressive Conservative Association of Newfoundland and Labrador (St. John's, June 6)

Dr. Glenda Simms, National Advisory Council on the Status of Women (Ottawa, June 11)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Ms. Maureen McTeer, Conservative candidate (Ottawa, June 12)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

12. HOMELESS AND POVERTY ISSUES

Key issue:

- * Should special measures be taken to ensure that the homeless and other poor people have the right to vote in federal elections and have better access to the electoral system?

Background:

Voting in Canada is still based on a form of property qualification, because citizens must be enumerated to vote, and to be enumerated they must usually occupy an apartment, house or dwelling. People living in hostels and lodgings cannot be enumerated if they have not been resident for at least 10 days at the time of enumeration. Many hostels limit the period a homeless person can stay to less than 10 days.

During the hearings, the National Anti-Poverty Organization estimated that there are between 130,000 and 250,000 homeless people in Canada. An estimated 5 million Canadians live below the poverty line and about one Canadian in five is considered to be illiterate.

Elections Canada does not allow people to be enumerated without a street address, although this rule is sometimes ignored by ROs or by enumerators. Some homeless people may be enumerated through using the address of a friend or relative. Experiments have taken place to enumerate the homeless for Toronto municipal elections and in Montreal, but no information was offered as to their turnout in the actual election.

The Elections Act makes no special provisions to improve access to voting for people who are poor or homeless. Bill C-79 proposed dropping the 10-day residence rule for people living in hostels to be enumerated, as well as allowing people to be added to the voters' list up to the Friday before election day.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

- Change the rules to allow homeless people without a fixed address to be enumerated;
- Enumerate illegal tenants and women in shelters without publishing their address;
- Drop the 10-day residence rule for the enumeration of people living in hostels and lodgings;
- Allow voters to be registered on election day;
- Allow homeless and poor voters to identify themselves by swearing, or without requiring formal kinds of identification which are often not available;
- Use community agencies to encourage voter registration and to provide information to the poor and homeless about the electoral system;
- Carry out special information programs through Elections Canada to reach people who are poor and homeless;
- Make voting more accessible to the homeless by creating special polling stations at such locations as community centres, soup kitchens and welfare offices;
- Find means to improve the access for enumerators and political party representatives to areas of special difficulty, such as hotels and lodging houses catering to the poor and homeless;
- Take some of the above measures;
- Maintain the status quo.

Technical Issues:

Many of the recommendations on the poor and homeless dealt with technical issues of enumeration, revision and voter registration on or just before election day. Some of these issues are dealt with more fully in the summaries dealing with enumeration and voting procedures.

Comments and proposals:

Some 20 intervenors dealt with issues relating to homeless and poor people. They ranged from advocacy groups and community agencies to spokesmen for civil rights and the disabled, political party representatives, CEOs from Northern Canada and the Returning Officer for the riding of Rosedale.

With one exception, all of the intervenors favoured taking steps to extend voting rights to the homeless. Their proposals are listed in the section on alternatives, beginning with those measures that had the most consistent support.

The one note of caution was sounded by Mr. Warren Bailie, CEO for Ontario, who was concerned that the creation of new rules to register homeless voters might lead to some abuse. On the other side, Mr. Jim Green of the Downtown East Side Residents' Association in Vancouver, urged that reforms favouring the homeless seek to extend the democratic process as much as possible, rather than tightening up to prevent one or two abuses.

A number of suggestions were offered for enumerating people without a fixed address. These included listing them but giving no address; listing them at the nearest street address to the place where they normally slept; using a hostel, community centre or agency as their address for enumeration purposes; or listing them with the returning office as their address.

The problem of battered women in shelters not wanting to reveal their address was raised both in eastern and western Canada. The problem of access to voters living in low-cost hotels and lodgings was particularly raised in Vancouver.

Intervenors pointed out that because enumeration is based on where people live, the homeless tend to be excluded until it comes time for revision; also, people who are homeless may be illiterate and have little access to television or newspaper information about how to be registered. This was the reason for recommending special programs of outreach to the poor and homeless through community agencies or through Elections Canada. The Boyle Street Co-op, Edmonton, recommended that Elections Canada study voter turnout after each election and develop a plan to increase participation of low turnout groups.

Intervenors in Montreal and elsewhere pointed out that enumerators often missed homeless voters staying in hostels because they called by day when the hostels were empty. There were special problems in enumerating the poor and homeless for reasons of personal security in rough areas, unfamiliar

surroundings, language and cultural barriers, etc. Special training was recommended for enumerators working in poor areas.

Poor and homeless people also faced special problems in identifying themselves because they often might not have a driver's license or credit cards or because their ID might have been stolen. This was the reason for recommending that swearing be allowed to establish identity or that less formal ID be accepted such as a utilities bill or a SIN card. Alternately, someone who knew the person could swear as to his or her identity.

Two anti-poverty groups suggested that free public transport be provided on election day so that poor people could get to the polls, and not have to rely on the parties for transportation.

Concern was raised that the creation of a permanent voters' list would discriminate against poor people because they are more mobile and would have to register more frequently than a home owner who might have to re-register only once in twenty years. However, this general concern was raised much more frequently in discussions of the permanent list than in interventions on poverty.

Intervenors at the hearings focused on the participation of poor people in the electoral process. Little was said about their participation in the political system in general or about whether the political system effectively represents the interests of people who are poor.

Related issues:

Related issues include public information and education, the mentally handicapped, civil and political rights, aboriginal rights, literacy issues, disabled and handicapped voters, enumeration issues, permanent voters' lists, and revision and election day registration.

Major intervenors:

Ms. Jean Swanson, End Legislated Poverty (Vancouver, March 27)

Ms. Gus Long, Federated Anti-Poverty Group (Vancouver, March 27)

Mme Jocelyne Vaillant, Réseau d'aide aux personnes seules et itinérantes de Montréal (Montreal, April 10)

Metro Tenants' Legal Services (Toronto, May 7)

Manitoba Anti-Poverty Organization (Winnipeg, May 29)

Other intervenors:

Mr. Tom Gore, Victoria Civil Liberties Union (Victoria, March 26)

Mr. Michel Clair, Association des centres d'accueil du Québec (Montreal, April 9)

PC Riding Associations, Saskatoon (Saskatoon, April 17)

The Association of Rural Municipalities, Saskatchewan (Regina, April 18)

The Coalition of Provincial Organizations of the Handicapped (Winnipeg, April 19)

Mr. Kevin Barrett, Basic Poverty Action Group (Toronto, May 7)

Mr. Michael Shapcott, Christian Resources Centre (Toronto, May 7)

Mr. Warren Bailie, Chief Electoral Officer, Ontario (Toronto, May 7)

Mr. George Manios and Mr. Michael O'Dowd, Ontario Government (Toronto, May 7)

Mr. Anastase Koutroulides (London, May 10)

Mr. Patrick Michael, Chief Electoral Officer, Yukon (Whitehorse, May 14)

Mr. Shayne Fairman, Yukon Liberal Association (Whitehorse, May 14)

Mr. Jim Green, Downtown East Side Residents' Association (Vancouver, May 17)

Mr. Larry Brockman, Boyle Street Community Services Co-op (Edmonton, May 23)

Alberta Federation of Labour (Edmonton, May 23)

Ms. Dale Robinson, N.W.T. Council for Disabled Persons (Yellowknife, May 24)

Ms. Elizabeth Dashwood, RO (Toronto, May 30)

Ms. Cheryl Boon, National Anti-Poverty Organization (Ottawa,
June 11)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

13. JUDGES' RIGHT TO VOTE

Key issues:

- * Should judges have the right to vote in federal elections?
- * Should federal returning officers have the right to vote in federal elections?

Background:

Section 14(4) of the Elections Act denies the right to vote to judges appointed by the Governor-in-Council and, except when there is a tie vote after a recount, to federal returning officers.

Under Section 18A(26) of the Act, certain senior judges have a specific role to play in federal elections as revising officers; in practise they appoint substitutes and in many cases, this responsibility is a formality.

Bill C-79 proposed to extend the franchise to judges as well as to returning officers, but not to prisoners.

Suggested alternatives:

- Maintain the status quo;
- Extend the franchise to federally appointed judges and/or returning officers;
- Extend the franchise to judges, but with some qualifications or exceptions.

Comments and proposals:

The question of judges voting was raised in passing by a number of intervenors and generally favoured, but was not dealt

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with at length during the hearings. One RO, Mr. Al Dahlo of North Vancouver, argued for giving ROs the right to vote and contended that an RO had only been called upon to cast a deciding vote in a Canadian election once - in 1870.

The Canadian Bar Association and the federal NDP favoured giving judges the right to vote. The Nova Scotia Progressive Conservatives also supported the idea, but suggested that judges be required to exclude themselves from judging electoral disputes in the riding in which they voted.

The idea of judges voting was opposed by the Parti nationaliste and by the Nova Scotia Civil Liberties Association, who argued for keeping the judiciary independent of politics, particularly in view of the growing politicization of judicial decisions as a result of the Charter.

Related issues:

The question of whether or not ROs should be political appointments is discussed under the staffing and pay of ROs and election staff. The question of whether judges should play a role in revision is touched on under revision and election day registration.

Intervenors:

Federal NDP (Ottawa, March 12)

PC Riding Associations, Saskatoon (Saskatoon, April 17)

Mr. Al Dahlo, RO, North Vancouver (Vancouver, May 17)

Dr. Frederick Engelmann (Edmonton, May 23)

Nova Scotia Civil Liberties Association (Halifax, June 4)

Nova Scotia PC Association (Sydney, June 5)

Canadian Bar Association (Ottawa, June 11)

Parti nationaliste du Québec (Ottawa, June 11)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

14. MENTALLY HANDICAPPED

Key issues:

- * Should people who are mentally handicapped and living in institutions be allowed to vote in federal elections?
- * What special provisions, if any, should apply with respect to voting by the mentally handicapped?
- * What kind of assistance should people who are mentally handicapped be able to receive in order to vote at federal elections?

Background:

Section 14(4)(f) of the Act bars voting by any person who is "restrained of his liberty of movement or deprived of the management of his property by reason of mental disease".

Although the law has not been changed, it was struck down during the 1988 election through a court challenge launched by the Canadian Disability Rights Council. As a consequence, people living in institutions for the mentally handicapped were therefore enumerated and allowed to vote, in accordance with guidelines issued by Elections Canada.

Bill C-79 proposed to remove the restriction in Section 14 on voting by the mentally handicapped but would not have provided for proxy voting or hospital polls for mentally handicapped people living in institutions.

Suggested alternatives:

- Grant the right to vote to all mentally handicapped Canadians living in institutions;
- Do not grant the right to persons who have been judged legally incompetent, or to persons who have been judged totally incompetent under Quebec's new rules for guardianship;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

- Apply some form of test for competency, either at the time of enumeration or at the election, for mentally handicapped persons to be allowed to vote;
- Allow persons with mental handicaps to receive assistance in voting, on the same basis as people with physical handicaps;
- Impose penalties on anyone seeking to exercise undue influence on a mentally handicapped person in the electoral process.

Comments and proposals:

More than 40 intervenors at the Commission hearings spoke on issues relating to the mentally handicapped, of whom about two-thirds represented hospitals and agencies serving the mentally handicapped and mentally ill or came from advocacy groups.

Maintaining the present law is not put forward as an alternative, because the restriction on voting by the mentally handicapped has been struck down by the courts. Hence, the options that are put forward relate to how the right to vote for this group should be applied, rather than whether it should be granted. Many of the issues raised in relation to the mentally handicapped, and discussed in this section, are practical matters of election administration rather than issues of principle.

Support for extending the right to vote to the mentally handicapped was almost universal, with only two intervenors, Vancouver Island PC Associations and Mme. Monique Dubuc-Vaillancourt, RO in Ahuntsic opposed or seriously questioning such a move.

Some of those arguing in favour contended that there should be an "assumption of competence" with respect to the mentally handicapped, and that the Elections Act should abandon the "asylum complex" which seems to assume that mental illness makes it impossible for people to function in the community. The Ontario Association for Community Living urged that Elections Canada arrange not just to extend the vote, but to hire people labelled as developmentally handicapped to work in local returning offices during elections.

Opinion was divided with respect to whether to deny the vote to persons who have been found to be totally incompetent under a judicial process, such as the new Quebec law on legal guardianship. The Public Curator for Quebec estimated that about

7,000 people in Quebec would fall in that category out of 21,000 now under various forms of guardianship. Other provinces do not have such a fully-developed system; one intervenor in Victoria, Ms. Joanne Neubaur of the Handicapped Action Committee, contended that even if people have been judged incompetent, they could have 'areas of excellence' and be able to vote.

Opinion was also divided with respect to whether there should be some sort of test for the mentally handicapped to be allowed to vote. Several intervenors suggested that if a test were to be required, it should also be given to other electors. Where a test was supported, it was generally commonly felt that it should be minimal or that the questions needed for enumeration, i.e., name, address, citizenship and approximate age, were sufficient.

Professor Patrice Garant, in Quebec City, suggested that the ability to actually carry out one's vote on election day constituted a form of 'implicit test' for someone who was mentally handicapped. Both the Canadian Bar Association and the Canadian Human Rights Commission contended that any test for capacity to vote, beyond the questions needed for enumeration, would be open to challenge under the Charter.

Mr. Robert Walker of the Yukon ACL and other intervenors, were critical of Elections Canada for the guidelines that it applied for the mentally handicapped in the 1988 election. Enumerators were told that "only those who asked to be enumerated should be listed", an unfair requirement when many of the people affected had never before voted, and the guidelines had the effect of denying them assistance to vote.

There was widespread concern about the quality of enumeration as it affected the mentally handicapped. In one B.C. institution, only 8 of 270 residents were enumerated, according to the B.C. ACL; a Quebec RO, Mr. André Marois, was turned away by the director of an institution when he tried to have it enumerated. Some intervenors suggested that all residents should be enumerated, or at the least, that all should be seen personally by the enumerators, rather than having them rely on lists provided by the staff. It was pointed out that mentally handicapped people living in the community, for example with their family, can be put on the voter's list by a relative without even being seen or questioned by the enumerator.

Institutions expressed concern about providing lists of residents for reasons of confidentiality. There was an added concern in psychiatric institutions where residents may not wish to reveal the fact that they have been mentally ill.

The Elections Canada directive not to provide assistance in voting to people who are mentally handicapped was strongly criticised, and a number of intervenors recommended that persons with mental handicaps be entitled to assistance on the same basis as people with physical handicaps or people who are illiterate. The Canadian Association for Community Living argued that the principle of "reasonable accommodation" should apply in providing assistance, and that this should extend to help in marking the ballot. The Manitoba ACL recommended that several options be available so that a person could seek help from a friend, a relative, or the DRO, and that the process of seeking assistance should be simple enough so that it was not in itself an obstacle to voting.

While concern was expressed about the danger of undue influence on the vote of the mentally handicapped, it was limited. The B.C. ACL suggested that such a risk also exists with respect to assistance given to the physically handicapped. The Canadian Disabilities Rights Council representative said one had to be prepared to take some risks if the mentally handicapped were going to vote.

Mr. Michel Clair, of the Association des centres d'accueil du Québec, was almost alone in warning about the danger of undue pressure by family or friends on someone who was frail or elderly and in urging that people's right not to vote, as well as their right to vote, be sustained. He urged that it be a criminal offense to solicit a proxy vote in such cases. There were no other specific proposals put forward with respect to undue influence.

A number of intervenors urged that there be special training of ROs, enumerators, and election staff with respect to the needs of the mentally handicapped. More information about the electoral process should be directed to the mentally handicapped, and leaflets and other election material, as well as the ballot itself, should be designed and written to be more accessible to this group.

Technical issues:

A number of specific technical issues was raised during the hearings, such as the need to allow mentally handicapped people in institutions to identify themselves by the one name that they commonly use and to use the institution as their address rather than a street address which they may not know; the need to allow for communications by Bliss symbols and other forms of communication; and the need for clearer direction to ROs for the enumeration of the mentally handicapped.

Ms. Beth Valentine, coordinator of the Psychiatric Patient Advocate Office in Ontario, noted that the practise of designating institutions for the mentally handicapped as rural polls so as to permit residents to be sworn in on election day is not working and should be changed. The reason is that patients may not know each other enough and nurses could not vouch for patients because they did not live in the same poll, i.e., in the hospital.

Dr. William McCormick of the Nova Scotia Hospital noted specific problems with respect to short-term patients who may have no one at home to enumerate them or to cast a proxy vote on their behalf, and patients who had been homeless who likewise are deprived of the right to vote. The Alberta CMHA noted a similar problem for patients enumerated in hospital, then sent home during the course of a campaign.

Some intervenors urged that polling places be located in hospitals for convenience, and to serve those patients who are competent but not allowed to leave the hospital grounds; others suggested that polling divisions in hospitals include some residents from the surrounding area so as to keep confidential how the hospital residents' voted. Several intervenors noted that the voting patterns of mentally handicapped people in institutions were very similar to those of people from the surrounding riding.

Related issues:

Issues related to the mentally handicapped touch on the areas of enumeration, revision, advance polls and proxy voting, the permanent voters' list, the ballot and voting procedure, voting for the disabled, and literacy issues.

Major intervenors:

Ms. Kayle Eno, New Brunswick Association for Community Living (Moncton, March 20)

Ms. Nancy Smith, Our Place (Moncton, March 20, 1990)

Mme Nicole Fontaine, Public Curator for Québec (Montreal, April 9)

Mr. Michel Clair, Association des centres d'accueil du Québec (Montreal, April 9)

Dr. Joyce Boillat and Ms. Martha Bishop, Douglas Hospital

Ms. Christiane Côté, Centre psychiatrique de Roberval
(Chicoutimi, May 1)

Ontario Association for Community Living (Toronto, May 7)

Canadian Association for Community Living (Toronto, May 8)

Mr. Howard Danson, Psychiatric Hospitals Branch, Ontario Ministry
of Health and Ms. Mary Beth Valentine, Psychiatric Patient
Advocate Office of Ontario (Toronto, May 8)

Mr. Robert Walker, Yukon Association for Community Living
(Whitehorse, May 14)

Ms. Patty Gibson, B.C. Association for Community Living
(Vancouver, May 17)

Mr. Tony Hudson, Canadian Mental Health Association (Edmonton,
May 23)

Canadian Disabilities Rights Council (Winnipeg, April 19)

Mr. Dale Kendel, Manitoba Association for Community Living
(Winnipeg, May 29)

Dr. William McCormick, Nova Scotia Hospital (Halifax, June 4)

Mr. Don Barnes, Newfoundland Association for Community Living
(St. John's, June 6)

Dr. Lucien Landry, Hôpital Louis-H. Lafontaine (Ottawa (June 13)

Other Intervenors:

Mr. Chris Henderson, Royal Ottawa Hospital (Ottawa, March 12)

New Democratic Party (Ottawa, March 12)

Canadian Mental Health Association (Moncton, March 20)

Mr. Tom Gore, Victoria Civil Liberties Union (Victoria, March 20)

Ms. Joanne Neubaur, Handicapped Action Committee (Victoria,
March 26)

Mr. Donald Wheeler, Vancouver Island Progressive Conservative
Riding Associations (Victoria, March 26)

Mr. Peter Steibelt (Montreal, April 10)

Mr. Michel Trottier, Canadian Mental Health Association
(Montreal, April 10)

Mme Monique Dubuc-Vaillancourt, RO Ahunstsic (Montreal, April 11)

Mr. Pitka and Ms. Isinger, PC Riding Associations (Saskatoon,
April 17)

Association of Rural Municipalities (Regina, April 18)

Juniper Centre (Thompson, April 20)

Office des personnes handicapées du Québec (Quebec, April 30)

Professor Patrice Garant (Quebec, April 30)

Mr. André Marois, RO, Megantic-Compton-Stanstead (Quebec,
April 30)

Mr. Patrick Boyer, MP (Toronto, May 8)

Mr. Patrick Michael, CEO (Whitehorse, May 14)

Ms. Laurie Clarke, RO, Kamloops (Kamloops, May 15)

Ms. Lynn Jones, Alberta Hospital (Edmonton, May 23)

Mr. Ted Murphy and Mr. Renald Guay (Winnipeg, May 29)

Nova Scotia Civil Liberties Association (Halifax, June 4)

Mr. James Lovelace (Sydney, June 5)

Dr. Fernand Breton, Department of Veteran Affairs (Ottawa,
June 11)

Mr. John Jennings, Canadian Bar Association (Ottawa, June 11)

Ms. Michelle Falardeau-Ramsay, Canadian Human Rights Commission
(Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

15. MILITARY VOTE AND VETERANS

Key issue:

- * Should there be special arrangements for voting for members of the armed forces; for their dependants; for veterans in veterans' hospitals?

Background:

The Special Voting Rules, which set out voting procedures for members of the armed forces and their dependants, for veterans, and for government employees posted abroad take up 50 pages of the Canada Elections Act. Designed for wartime use, they allow people in these three groups to vote in their riding of ordinary residence from abroad, using a complicated envelope system.

Military personnel stationed in Canada vote using the SVR system but their dependants must vote locally, in the riding where they are living. Veterans in veterans' hospitals vote under the SVR system in their riding of ordinary residence, but may choose to vote locally if they have been in the hospital for a year or more. The Commission was told that at Ste. Anne de Bellevue hospital outside Montreal, 99 per cent of the veterans choose to vote locally rather than in their original home riding.

Suggested alternatives:

- Do nothing and maintain the present system of Special Voting Rights;
- Maintain the system, but only for personnel posted abroad and for their dependants;
- Have veterans in veterans' hospitals vote locally rather than through the SVR system;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990 but not on other Commission research.

- Drop the SVR system in favour of a system which allows Canadian citizens to vote from abroad, whether or not they work for the government;
- Make the voting age for armed forces personnel the same as for other Canadians.

Comments and proposals:

Issues related to the military and to veterans were touched on very briefly at the hearings, with just one representation from an army officer, one from a local Legion representative, and one from an official of the Department of Veterans Affairs. While the main issues were raised, there was not enough comment to discern a consensus.

Military voting was considered separately from the issue of giving the vote to Canadian citizens abroad, and this was not proposed as a substitute. Garnet Bloomfield, a former MP, suggested that military personnel stationed in Canada should vote locally rather than through the SVR system; Captain Louise Leblanc, in Chicoutimi, argued the opposite, on the grounds that forces personnel did not have the choice of where they were posted and were only stationed there temporarily.

The system whereby military dependents vote locally if in Canada, but vote using the SVR system if posted abroad, was not questioned, except with respect to the loophole which could allow a member of the forces to vote through the SVR system and at the same time to be enumerated and vote locally.

The DVA official agreed with the suggestion by another intervenor, Mr. Emilion Paradis, that the SVR system for veterans in institutions should be scrapped, and they should instead vote in the riding in which they are located. What was important was to ensure that they had access to the vote.

Technical issues:

If the SVR system is continued, then there is room for simplification of its procedures, particularly as they apply to veterans in hospitals. If a mail ballot is created, this might be used to serve the small number of veterans who might want to vote in their original home riding, while the remainder could vote locally in the normal way, or with special provisions for hospital voting.

Related issues:

Allowing the military to vote at a younger age than other Canadian citizens could be open to challenge under the equality section of the Charter. Dr. Breton of the DVA expressed concern about how to establish the competence to vote of veterans in hospitals who are old or confused. The issue is similar to that faced with other people who are mentally disabled or handicapped.

Intervenors:

Mr. Emilion Paradis (Montreal, April 10)

Captain Louise Leblanc, CFB Bagotville (Chicoutimi, May 1)

Mr. Garnet Bloomfield (London, May 10)

Mr. James Lovelace, Cape Breton area Canadian Legion branches (Sydney, June 5)

Dr. Fernand Breton, DVA Hospital, Ste. Anne de Bellevue (Ottawa, June 11)

Mr. Derek Lee, MP, (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

16. VOTING RIGHTS FOR PRISONERS

Key issue:

- * Should prisoners in federal penitentiaries or in provincial jails and institutions have the right to vote in federal elections, and should they be allowed to stand as candidates?

Background:

Section 14(4) of the Act denies prisoners the right to vote in federal elections. Bill C-79 proposed maintaining the restriction. Section 3 of the Charter gives every Canadian citizen the right to vote and makes no exception for inmates. Federal and provincial inmates have the right to vote in provincial elections in Quebec, Newfoundland, Ontario, Manitoba and, for certain offenders, B.C., because of legislation or court rulings. Remand prisoners can vote in Alberta and Saskatchewan.

The court rulings on this issue have been conflicting; for example, the Manitoba courts have granted the right to vote to prisoners provincially but ruled against giving inmates the right to vote federally.

Suggested alternatives:

- Grant all prisoners the right to vote in Canadian federal elections;
- Grant prisoners the right to vote if they are sentenced for less than two years, i.e., if they are jailed in provincial institutions;
- Grant prisoners the right to vote except for those convicted of certain offenses specified by legislation, such as treason;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

- Empower judges to determine whether or not a prisoner should retain voting rights at the time of sentencing;
- Give the right to vote only to persons in jail on remand, awaiting trial, or in prison awaiting appeal;
- Deny the right to vote to all convicted criminals in jail or penitentiaries;
- Deny the right to vote both to inmates and to persons serving sentence who have been transferred to a half-way house or community facility;
- Allow/do not allow prisoners to stand as candidates in federal elections.

Comments and proposals:

A number of groups took strong positions on behalf of giving prisoners the right to vote, including several provincial branches of the John Howard Society, the Canadian Federation of Elizabeth Fry Societies, the Canadian Bar Association and the Prisoners' Rights Committee in Montreal. The Elizabeth Fry Society of Moncton took a qualified position, and opposed giving the right to vote to violent criminals and to prisoners without any remorse for their criminal activity. MP Bob Kaplan, a former solicitor general, opposed giving voting rights to prisoners in federal penitentiaries on the grounds of security and administration.

Most intervenors supported giving prisoners the right to vote, but none advocated allowing prisoners to stand as candidates. The Bar Association contended that the two issues should be considered separately and should not be considered as indivisible. Opponents included some PC riding associations and a Canadian Legion group from Cape Breton.

Advocates of prisoner voting rights acknowledged that there is substantial opposition; the executive director of the John Howard Society of Saskatchewan said he would hate to see inmates lose the right to vote because giving them that right was not a popular issue. The John Howard representative from Alberta pointed to the need to educate the public concerning penal reform and noted that, according to surveys for the society, the general level of public knowledge about criminal justice issues was low. This brief noted that democratic countries such as Italy, Sweden, Norway and Denmark give inmates the right to vote while other

democracies such as the United Kingdom, France, Switzerland and the United States do not.

On several occasions, Commissioner Oliver raised the question of denying the vote to prisoners convicted of certain state crimes, such as treason. The advocacy groups generally opposed this suggestion as well as the proposal that a judge have the option to remove a prisoner's right to vote at the time of sentencing. The JHS Alberta brief also contended that it was no argument to say that prisoners have been denied the vote in the past, because other restrictions from the past such as denying the vote for reasons of gender, lack of sufficient property, etc., now no longer apply.

The advocates of prisoner voting rights based their case on Section 3 and on other sections of the Charter of Rights, and on the benefits of allowing prisoners to vote in terms of rehabilitation. They argued that the disparity between federal and provincial practise in allowing prisoners to vote violated the equality provisions of the Charter and asked the Commission to reject the concept of 'civil death' by which people lose civil rights because they are convicted of a criminal offense.

The Bar Association contended that denying prisoners the right to vote had little social purpose or deterrent value, and that it was arbitrary because prisoners released on discretionary leave could vote while those who were inmates could not.

Mr. Ted Kotyk, a prisoner at the time of his appearance at the hearings, contended that prisoners continue to be Canadian citizens with the right of freedom of assembly and association with a political party even though they are deprived of the liberty to move because of incarceration.

Mr. Tickell, for the Saskatchewan John Howard Society, noted that significant changes were happening in federal institutions such as a better recognition of inmate rights, less intrusion into the lives of inmates, and a greater emphasis on rehabilitation. In his view, voting rights fitted into this new trend in corrections. He said that whether an inmate voted or not had no impact on public safety or on the deterrent effect of incarceration, but not voting could have a negative effect in terms of rehabilitation.

It was also argued that denying prisoners the right to vote is unfair, because of the disparities in sentencing in different jurisdictions, and because people who commit crimes may not be caught or sentenced. Some offenders will be put on probation and some will be jailed for a similar offence, and some people will

not be jailed for serious offenses because they are not considered as crimes, i.e., in the corporate sector.

The John Howard Society of Manitoba noted that natives are 5% of the population of the prairie provinces, but 32% of the inmate population, and that the denial of prisoner voting rights mainly affected people of low socio-economic status.

The argument against prisoners voting was not as well developed as the argument for. Mr. Kaplan cited reasons of security and administration for not giving prisoners in federal institutions the right to vote. He suggested the right to vote was a democratic right but not a fundamental one, and that losing the vote was less fundamental than a prisoner's losing his or her freedom of movement.

Mr. Lovelace, for the Legion branches, argued that prisoners should be denied certain rights because they had denied to others the right to a peaceful and secure existence.

Technical issues:

The technical issues that were discussed relate to the manner of voting, where prisoners' votes should be cast, enumeration, the confidentiality of voters' lists, and security concerns.

Generally, intervenors favoured having prisoners vote in their home constituency, i.e., the location of their family or of their last place of residence, rather than in the constituency in which they are incarcerated. Some intervenors mentioned public concern about a concentration of prison voters occurring in a constituency where a major penitentiary or jail was located. A vote in the home riding could be carried out by means of a mail vote or through a proxy vote, generally cast in advance.

Intervenors usually agreed that the security problems of carrying out a vote in a jail or penitentiary are minimal, although special arrangements are needed, such as closing the polling station once all those prisoners who wish to vote have done so, rather than leaving it open all day.

Corrections Canada maintains a computerized roll of prisoners from which the enumeration lists can be drawn up, but there are security concerns in making the list public even to the parties. Corrections officials were generally open to allowing distribution of party and candidate literature to inmates, but hesitant about allowing access to candidates. However, it was suggested that prisoners can be relatively well informed about

politics through their access to television and to the written press.

The turnout of prisoners where they have voted has been variable. It was about 40% in the Quebec referendum of 1981; 20 to 25% in the last Quebec provincial election and 40% in the last Newfoundland election; and varied between 28% and 94% at different institutions in the last Manitoba election.

Major intervenors:

The following intervenors dealt mainly with the question of prisoners' voting rights in their submission and testimony. Where they took a clear position, it is indicated:

Canadian Association of Elizabeth Fry Societies (in favour)
(Ottawa, March 13)

Elizabeth Fry Society of Moncton (partially in favour) (Moncton,
March 20)

Mr. Claude Dumaine, Warden, Dorchester Penitentiary (Moncton,
March 20)

John Howard Society (in favour) (Moncton, March 20)

B.C. Ministry of the Solicitor General (Victoria, March 26)

Correctional Services Canada, Quebec Region (Montreal, April 10)

Prisoners' Rights Committee (in favour) (Montreal, April 10)

John Howard Society of Saskatchewan (in favour) (Regina,
April 18)

John Howard Society of Manitoba (in favour) (Winnipeg, April 19)

Mr. Ted Kotyk, a prisoner, (in favour) (Winnipeg, April 19)

John Howard Society of Alberta (in favour) (Edmonton, May 23)

A former convict (in favour) (Edmonton, May 23)

Mr. James Lovelace, Cape Breton Canadian Legion branches
(opposed) (Sydney, June 5)

Mr. Marvin McNutt, Director of Adult Corrections, Province of
Newfoundland (in favour) (St. John's, June 6)

Mr. John Jennings, Canadian Bar Association (in favour) (Ottawa, June 11)

Mr. Robert Kaplan, MP (opposed) (Ottawa, June 12)

Mr. Fergus O'Connor, Kingston (in favour) (Ottawa, June 12)

Other intervenors:

The following intervenors expressed an opinion or dealt briefly with issues relating to prisoners' voting rights:

New Democratic Party (in favour) (Ottawa, March 12)

Victoria Civil Liberties Association (in favour) (Victoria, March 26)

Vancouver Island PC Riding Associations (opposed) Victoria, March 26)

PC Riding Associations, Saskatoon-Dundurn and Saskatoon-Humboldt (opposed) (Saskatoon, April 17)

Saskatchewan Association of Rural Municipalities (in favour) (Regina, April 18)

Thompson Chamber of Commerce (opposed) (Thompson, April 20)

Quebec Chief Electoral Officer, (Quebec City, April 30)

Ontario Chief Electoral Officer (Toronto, May 7)

Yukon Chief Electoral Officer (opposed) (Whitehorse, May 14)

Nova Scotia Advisory Council on the Status of Women (in favour) (Halifax, June 4)

Mr. Dermot Whelan, CEO, Newfoundland (in favour) (St. John's, June 6)

Mr. Robert Groves, Native Council of Canada (in favour) (Ottawa, June 12)

Canadian Human Rights Commission (in favour) (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

17. STUDENT ISSUES

Key issues:

- * What special arrangements, if any, should be made to assist post-secondary students to exercise their right to vote in federal elections?
- * Should students studying away from home vote in their home riding or where they are located while studying, or should they have a choice of where to vote?

Background:

In its intervention, the Canadian Federation of Students put the number of post-secondary students in Canada at 892,000, of whom 59% are studying away from home. The student issues brought to the Commission focused on this group and were mainly raised by post-secondary student organizations.

The Elections Act provides for electors to be enumerated at their place of "ordinary residence" on the enumeration date, which is 38 days before election day. This provision is open to interpretation by returning officers and by enumerators and can lead to students in residence or living away from home being excluded from being enumerated where they are studying. If they are not included on the list in their home riding by their family, it can be difficult to arrange to be added at revision, or a student can miss the deadline.

The proxy voting rules make provision for students provided they are studying full-time within Canada and the election is taking place during the academic term. Proxy forms must be certified by the institution, a process which takes time and can cause difficulties.

There are similar problems in elections at the provincial level for students.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 and June 13, 1990 but not on other Commission research.

Suggested alternatives:

- Require students studying away from home to vote in their home riding;
- Require students to vote where they are studying;
- Give students the choice of where to exercise their vote;
- Simplify the proxy rules for students wishing to have their ballot cast in their home riding, or replace proxy voting with a mail ballot;
- Ensure that balloting takes place on campus or in locations convenient to students;
- Set up special facilities on campus so that students can vote in their home ridings through the use of mail ballots;
- Create or support special programmes to inform students about the electoral process and how they can vote.

Comments and proposals:

Enumeration and proxy voting were the major issues raised by student organizations and other intervenors on student issues. Students can have as many as three residences in a typical year, it was pointed out, if they take a summer job away from their campus and from their family home. One students' group, from Laurentian University, suggested that federal elections not take place in the first and second week of September to avoid problems for students just settling into classes and new living accommodation. Students complained that the problems of enumeration were compounded by the inability of urban voters to be registered after the close of revision, 17 days before election day.

Student representatives also complained that the enumeration process in student residences was careless, and that students often moved to another riding after being enumerated because of the delay between enumeration and election day. Reaction by student groups to a permanent voters' list was more negative than positive.

Although there was no clear consensus, the favoured alternatives were to give students the option of where to be

enumerated (Canadian Federation of Students) or to enumerate them at their place of study unless they decided to be enumerated in their home riding by their parents (Student Union, Memorial University of Newfoundland). The Act, it was suggested, should explicitly confirm that students may be registered to vote either at their place of study or in their home riding (Student Committee, Mount St. Vincent University).

A number of intervenors criticised the proxy system for students because of time-consuming procedures and the fact that it did not apply to part-time students and to students abroad. The problem was also noted of students just breaking free of their family, but having to let a parent cast their first vote. The preferred solution was to allow students to cast a mail ballot; the CFS proposed that special polling booths be established on campus (presumably prior to voting day) where mail ballots could be cast.

Some student groups criticised local returning officers for placing polling stations for student residences off campus rather than in convenient locations on campus. This may have occurred in 1988 because very few students were living in residence at the time of enumeration in the 1984 election, and ROs may not have realized that the number of voters on campus would increase sharply when the election was held during term.

Elections Canada was commended for the information material about the electoral process that it had prepared for students, but student groups expressed the need for more material, and recommended that Elections Canada support and work with student associations to help educate students about the electoral process.

Related issues:

Although issues related to students are grouped in this section, many student concerns would be resolved with changes in the areas of enumeration, revision, advance voting and proxy voting, a permanent voters' list, and extending eligibility to vote to Canadians abroad. The issue of the voting age was raised by intervenors under the age of 18, but not by post-secondary students.

Major intervenors:

Mr. Scott Mills (Ottawa, March 12)

Laurentian University Students' General Association (Sudbury, May 9)

University Students' Council, University of Western Ontario (London, May 10)

Ontario Federation of Students (Toronto, May 31)

Student Committee for Electoral Reform, Mount St. Vincent University (Sydney, June 5)

Student Unions of Nova Scotia (Sydney, June 5)

Student Union Council, Memorial University of Newfoundland (St. John's, June 6)

Canadian Federation of Students (Ottawa, June 12)

Other intervenors:

New Brunswick PC Youth (Fredericton, March 19)

Yellowknife Chamber of Commerce (Yellowknife, May 24)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

18. PUBLIC FUNDING ISSUES

Key Issues:

- * Should federal political parties receive any public funding between elections, and if so on what basis?
- * Should the formula for reimbursing federal parties or candidates for part of their election expenses be changed, and should candidates who receive less than 15% of the vote be reimbursed?
- * Should the rate of reimbursement to candidates (50%) and to parties (22.5%) be made more equal?
- * Should candidates seeking a party nomination receive some public reimbursement for their nomination campaign expenses?

Background:

Federal parties are reimbursed at the rate of 22.5% of their expenses during an election campaign provided they spend at least 10% of the campaign limit, or about \$800,000 for a national party. The actual limit depends on the number of seats contested, but there is no requirement that a party receive a certain minimum percentage of the vote.

Candidates are reimbursed at the rate of 50% of their campaign expenses, which are limited to a ceiling of about \$45,000 in a typical riding, provided they receive at least 15% of the vote. A candidate who obtains one vote less than 15% receives no reimbursement.

Contributions to political parties are eligible for tax credits both during campaigns and between elections, but there is no form of annual funding for political parties nationally.

Provincial political parties receive annual funding in Quebec, Prince Edward Island and New Brunswick. The most generous formula is in New Brunswick, which currently gives each

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

party \$2.18 annually for each vote it received in the last provincial election. In Quebec, funding for the parties has been fixed at a total of \$0.25 per voter for the past several years, and is divided according to each party's share of the vote in the last provincial election.

No public funding is provided federally for nomination campaign expenses, except if funds, which are donated to a political party and receive tax credit, are subsequently used to assist with nomination campaign expenses.

Suggested alternatives:

Annual funding:

- Provide annual funding to federal political parties on the basis of their share of the vote at the last election;
- Collect \$1 in tax per person annually, and divide it among the parties on the basis of their share of the vote;
- Do not give any public subsidy or tax credits to political parties or candidates;
- Give public funds annually to each local constituency association on the basis of five cents per year for each elector in the riding;

Reimbursement of campaign expenses:

- Reimburse every candidate who obtains 10% of the vote rather than 15%;
- Reimburse candidates with less than 15% of the vote on a sliding scale at rates less than 50% of expenses;
- Reimburse candidates based on their percentage of the vote;
- Reimburse all candidates for 50% of their expenses, not just those who get 15%;
- Reimburse any candidate of a party that receives 15% of the vote nationally;

Rate of reimbursement:

- Reimburse local and national campaign expenses at a common 33.3% rate;
- Increase the rate of reimbursement to parties from the present 22.5%;
- Provide full public funding for all campaign expenses;
- Reimburse 75% of campaign expenses for male candidates, 100% of campaign expenses for women;
- Raise the rate of reimbursement for local candidates' expenses to 60%, but not for expenses financed by corporate donations;
- Reimburse the parties for campaign expenses on the basis of a flat rate of \$2.50 per vote received;

Other issues:

- Reimburse candidates for part of their nomination campaign expenses;
- Raise the candidate's deposit, but refund it for candidates receiving 5% rather than 15% of the vote;
- Use public funds for advertising to encourage Canadians to donate to political parties.

Comments and proposals:

Issues related to public funding were raised frequently at the Commission's hearings. There was very strong support, by a margin of five to one, for annual funding for political parties and for expanding or enriching the formula for reimbursement of election expenses.

The need to maintain public confidence in the parties (MP John Manley) and to ensure that the parties can afford to prepare for the next election (Senator Norman Atkins) was cited in support of annual funding for the parties, particularly if limits were to be imposed on contributions which reduced party income.

Some intervenors suggested that the New Brunswick formula for annual funding was a bit too rich, but several cited that

province and Quebec for their annual funding and supported having the annual funding to parties based on their vote in the last election. Mr. Jean-Pierre Roy, a former Liberal official agent in Quebec, suggested that annual funding be given to any party which had over three percent of the vote at the last election, with a minimum per party of \$50,000 per year.

A number of options were offered for enhancing the formula for reimbursement for election expenses, with those most common being to reduce the threshold for candidates to qualify to 10% of the vote, to put the rate of reimbursement on a sliding scale for candidates receiving less than the required threshold of votes, or to move to full public funding of candidates' campaign expenses.

Mr. Larry Grossman, former leader of the Ontario PCs, and Ms. Libby Burnham, a Conservative fund-raiser and head of the non-partisan Committee for 94, both recommended full public funding. They cited figures to show that the proportion of public funding was close to 100% in the 1987 Ontario election and that the reimbursement of election expenses plus the tax credits on political donations amounted to 66% of the parties' spending in the 1988 federal election. In Ms. Burnham's view, Canada had the worst of both worlds because the public paid for most of the electoral process, but much of that financing was in the form of tax credits used to help party "insiders" buy influence with the politicians.

Those recommending a lower threshold for reimbursing election expenses were mainly NDP or labour intervenors, but also included a Toronto-based business group, the Institute for Political Involvement. One reason offered for a sliding scale of reimbursement was the unfairness of candidates losing all of their subsidy when their vote fell just below 15%.

Both the Canadian Labour Congress and the federal NDP commented on the disparity between the subsidy for local and for national campaigns, and said that it led to a situation in which local ridings were well off while national parties were strapped. The CLC recommended that spending ceilings at both levels be raised, and that expenses at both levels be reimbursed at a rate of 50% up to the present ceiling, then at 25% for expenses up to the new ceiling. Mr. Don Scott, in Yellowknife, suggested that local and national campaign expenses be reimbursed at a common rate of 33.3%. The Parti nationaliste recommended a 50% rate of rebate to parties and suggested that parties be eligible for reimbursement on a regional as well as national basis.

The Hull-Aylmer NDP recommended annual funding for local riding associations and also suggested raising the rate of

reimbursement on local campaigns to 60%, but only on expenses not financed by corporate donations. It suggested that this restriction would lead to a lower, rather than higher, overall cost of subsidy.

Those opposed to public funding of parties or of candidates included Mr. Preston Manning of the Reform Party, several intervenors from the Libertarian party, and Mr. Sid Green of the Progressive Party in Manitoba.

A number of other intervenors asked that specific expenses be met from public funds. The PEI Federation of Labour asked that people who take time off their job to stand as candidates be reimbursed for living expenses; Mr. Francis Fox of the Quebec Liberals suggested that party scrutineers on election day be paid for publicly, as is the practise in Quebec elections; Mr. Sylvain Auclair of the Green Party recommended that a federal newspaper with information on each candidate be published in each riding, and a group of Saskatoon Liberal ridings recommended that local constituency associations be entitled to several free mailings each year in order to counter the mailing privileges given to incumbent MPs.

Both Ms. Maureen McTeer and Dr. Glenda Simms of the National Advisory Council on the Status of Women recommended that women be entitled to some tax deduction or reimbursement for nomination campaign expenses. Dr. Simms recommended a differential rate of reimbursement on campaign expenses with women candidates receiving 100% of their expenses and men 75%, as well as raising the reimbursement of party campaign expenses to 50% for those parties with 50% women candidates.

Mr. Elmer Knutson of the Confederation of Regions Party recommended a \$100 tax credit be provided to every Canadian who voted. A Commissioner estimated this would cost the treasury about \$2 billion per election.

Related issues:

Funding issues are closely related to tax credit issues, to issues of party finance, spending and regulation and to expense and accounting issues.

Major intervenors:

New Democratic Party (Ottawa, March 12)

Senator Norman Atkins (Ottawa, March 13)

New Brunswick NDP (Fredericton, March 19)

Professor Gary Hughes (Fredericton, March 19)

Mr. Alonzo LeBlanc, Société des Acadiens et Acadiennes de Shediac (Moncton, March 20)

Ms. Judy Whitaker, PEI NDP (Charlottetown, March 21)

Mr. Jean-Pierre Roy, PLQ (Montreal, April 9)

Mr. Raymond Garneau (Montreal, April 10)

Mr. Frank Quennell, lawyer (Saskatoon, April 17)

Saskatchewan NDP (Regina, April 18)

Mr. Fern Coulombe, former Créditiste in St-Pierre (Chicoutimi, May 1)

Ms. Denise Falardeau (Chicoutimi, May 1)

Mr. Larry Grossman, former leader of the Ontario PC Party (Toronto, May 8)

Committee for 94 (Toronto, May 8)

Mr. John Rodriguez, MP (Sudbury, May 9)

Mr. Mort Glanville, London West PC Association (London, May 10)

Mr. Elmer Knutson, Confederation of Regions Party (Calgary, May 22)

Mr. Terry Stratton, chairman of the PC campaign in Manitoba in 1988 (Winnipeg, May 29)

Mr. Sid Green, leader of Progressive Party of Manitoba (Winnipeg, May 29)

Mr. Dermot Whelan, CEO of Newfoundland (St.John's, June 6)

Mr. Norman Whalen, Liberal Party of Newfoundland and Labrador (St.John's, June 6)

Mr. Robert Dupuis, NDP Association of Hull-Aylmer (Ottawa, June 11)

Mr. John Manley, MP (Ottawa, June 13)

Other intervenors:

Canadian Labour Congress (Ottawa, March 13)

Mr. William Mott Stewart, citizen (Moncton, March 20)

Mr. George Daley (Moncton, March 20)

Dr. David Ross (Moncton, March 20)

Ms. Judy Whitaker, PEI NDP (Charlottetown, March 21)

PEI PC Riding Associations (Charlottetown, March 21)

Mr. Sandy MacKay, PEI Federation of Labour (Charlottetown, March 21)

Mr. Paul McKivett, Saanich-Gulf Islands Liberal Association (Victoria, March 26)

Mr. George Jenkins, Socialist Party of Canada (Victoria, March 26)

B.C. Council of NDP Federal Ridings (Vancouver, March 27)

Mr. Bill Tomlinson, former Libertarian Party of Canada (Vancouver, March 27)

Professor Harold Angell, (Montreal, April 9)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Mr. Sylvain Auclair, Green Party (Montreal, April 10)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon, April 17)

Manitoba Libertarian Association (Winnipeg, April 19)

Ms. Lynn McDonald, former MP (Toronto, May 7)

Professor William Christian, University of Guelph (Toronto, May 7)

Mr. Patrick Boyer, MP (Toronto, May 8)

Mr. Dennis Corrigan, Libertarian Party of Canada (Toronto, May 8)

Professor Bruce Lundgren, NDP candidate (London, May 10)

Mr. Graham McDonald, Yukon NDP (Whitehorse, May 14)

Mr. Tim Preston and Mr. Michael Lauer, Yukon PC Association
(Whitehorse, May 14)

Ms. Connie Harris, candidate for Green Party (Kamloops, May 15)

Vancouver Libertarian Association (Vancouver, May 17)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22;
Edmonton, May 23)

Mr. Harold Johnson, accountant (Calgary, May 22)

Mr. Stephen Whipp, Western Arctic NDP (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Mr. Don Scott, consultant and former Manitoba MLA (Yellowknife,
May 24)

Mr. Ted Murphy and Mr. Renald Guay, citizens (Winnipeg, May 29)

Institute for Political Involvement (Toronto, May 30)

Mr. Richard Wattam, citizen (Toronto, May 30)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Alex MacIsaac, NDP Official Agent (Sydney, June 5)

Mr. Stephen Delaney, President, PC Association of Newfoundland
and Labrador (St. John's, June 6)

Dr. Glenda Simms, National Advisory Council on the Status of
Women (Ottawa, June 11)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Ms. Maureen McTeer, Conservative candidate (Ottawa, June 12)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

19. TAX CREDIT AND RELATED ISSUES

Key issues:

- * Should tax credits on political contributions be increased from the level that has prevailed since 1974, or changed in some more fundamental way?
- * Should tax credits be made refundable, so that taxpayers get the same benefit when they make a political donation, regardless of their income?
- * Should the federal tax system continue to treat donations to political parties differently from donations to registered charities?
- * Should federal tax credits continue to be allowed on donations which are to be used for provincial, rather than federal, political activity?

Background:

The federal tax credit on political donations was introduced in 1974 in reforms arising from the Barbeau report, and has been unchanged since. The system provides individual and corporate donors with a tax credit of 75% on the first \$100, 50% on the next \$450 and 33 1/3% on the next \$600 for a maximum of \$500 in credits on \$1150 or more in donations to federal political parties and candidates. The credit applies to all political donations in a tax year. Political donations by corporations are eligible for this tax credit, but are not a deductible expense.

Under the recent tax reform, donations to registered charities are entitled to a tax credit of 17% on the first \$250 and 29% thereafter up to a limit of 20% of income. This is equivalent to credits of approximately 26% and 45% when the effect of provincial taxes is counted.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

The present system provides greater tax benefits to political donations than to charitable contributions up to about \$1,150, but for larger donations is more generous to charity. Thus a \$200 donation to a candidate is eligible for a \$125 tax credit compared with about \$52 on a donation to charity; a \$500 political donation receives a \$266 tax credit compared with \$180; on \$1,000 the difference is \$450 compared with \$425 and on \$2,000, the political donation receives a \$500 credit, whereas the charitable donation receives a tax credit of about \$870.

The political tax credit is available only if federal tax is payable. Federal law allows donations that are made to a federal party and that attract a federal tax credit to be used for provincial purposes, as is done by the NDP in Saskatchewan. In Ontario, which has its own tax credit system, there are strict rules against any transfer of federal funds to a provincial party.

A number of provinces set up tax credit systems on political donations in the 1970s modelled on the federal system. Ontario reviewed its system in the mid-1980s and raised its credits to double the level that prevails federally.

Suggested alternatives:

- Increase tax credits on political donations to take account of inflation since 1974;
- Increase political tax credits, but by less than the amount of inflation;
- Concentrate on increasing the amount of political donation eligible for the 75% tax credit;
- Make tax credits refundable;
- Scrap tax credits on political contributions;
- Scrap tax credits and substitute a matching system in which parties and candidates would receive \$100 from public funds for every \$100 donation;
- Make the tax credit system favour individual over corporate donors;
- Give political donations the same tax treatment as donations to charity;

- Raise the level for disclosure of political donations from \$100 to \$250.
- Allow provincial ridings to receive federal donations directly in provinces without a provincial tax credit system for political donations;
- Do not permit donations which have qualified for federal tax credits to be used for provincial political activity.
- Allow people to donate to a party by means of a check-off system on their income tax.

Comments and proposals:

The tax credit system for political donations attracted a significant amount of comment at the hearings, with those seeking an enriched credit system outnumbering those opposed to tax credits by about three to one. Several of the objectors, including representatives of the Libertarian Party, also opposed any form of subsidy or of public funding for candidates or for political parties. Some others represented charities and asked that donations to political parties be given the same tax treatment as donations to charity.

A number of NDP and of labour intervenors were among those advocating an enrichment of the tax credit system, but this group also included MPs Don Blenkarn, Scott Thorkelson and Maurice Foster, Liberals in PEI and New Brunswick, local Liberals and PCs in London, the Etobicoke Centre PCs, and the Institute for Political Involvement. Several intervenors said the credits should be indexed.

The Alberta NDP calculated that the equivalent value of a \$100 donation in 1974 would be \$309 in 1991 because of inflation and recommended a new tax credit schedule that would be just about triple the present level. The Etobicoke Centre PCs recommended that tax credits be available on donations of up to \$2,500 and Dr. Foster recommended raising the eligible maximum to \$2,000. Mr. Thorkelson, and the federal NDP recommended that the tax credits be doubled. MPs Simon de Jong and Rod Laporte, and the Canadian Labour Congress recommended that the credits be refundable so that the system would not discriminate against people too poor to pay federal tax.

Several intervenors suggested that priority be given to increasing the amount of donation eligible for the 75% tax credit. Mr. Robert Wall, a Conservative fund-raiser in Thompson, welcomed the suggestion of a matching grant in place of the tax credit system, and said that many people who could give more tend to give only \$100 because the percentage of tax credit changes for donations over that amount.

Mr. Preston Manning of the Reform Party, and several intervenors from minor parties, recommended that new parties be allowed to issue receipts for donations for tax credit purposes without having to wait until an election is called. This issue is dealt with in the summary on "Regulation of political parties".

The question of why political donations should be treated more generously than donations to charity was raised on several occasions by the Commission. Intervenors defended the disparity on the grounds that the tax credit is intended to encourage participation in political parties, and on the fundamental need for a strong democratic system. One charity, the Canadian Association of Friedreich's Ataxia, opposed any tax concessions being given to political parties and said that all non-profit organizations benefitting from tax concessions should be barred from demonstrating any form of support for a political party.

The idea of contributing to a party through a check-off on the income tax form was suggested by Senator Norman Atkins, who said it had worked well in the United States, and by former MP Raymond Garneau of Quebec. Professor William Christian suggested that the check-off figure be set at \$2.

The Etobicoke Centre PCs suggested raising the level for disclosing the names of donors to political parties to \$250, the same amount they suggested be eligible for a 75% tax credit. Professor Christian suggested that donations to leadership campaigns be eligible for credits at half the usual rate, but that disclosure not be required for donations below \$500 so that party members would have less need to identify which candidate they were supporting.

Mr. Frank Quennell, a Saskatoon lawyer, said the Saskatchewan NDP had a common provincial and federal organization which was funded by contributions which all qualified for the federal tax credit. Saskatchewan has no provincial tax credit.

Mr. Stephen Delaney, of the Newfoundland and Labrador PCs, recommended that a mechanism be established to allow federal campaign funds to be contributed directly to provincial riding associations, because there is no provincial tax credit in

Newfoundland. Former MP Cyril Keeper, in Winnipeg, said the provinces had adequate resources to establish their own tax credits; federal tax credits should be confined to federal elections.

Mr. Bert Moddejonge, a national Liberal vice-president from Calgary, suggested that the tax credit system favour individual donors over corporations. Mr. Jean-Pierre Roy, in Montreal, expressed concern that people must, in effect, indicate their political support when they file their income tax return and said that income tax receipts should be issued in a way that did not identify the party to which they had contributed.

Ms. Maureen McTeer suggested that people who lose income through taking time off work to be candidates be entitled to a tax deduction for lost income in future years. Mr. Jacques-Marie Gaulin, NDP official agent in the Chambly by-election, asked that conflicts on the handling of political contributions between Elections Canada and Revenue Canada be resolved.

Related issues:

The question of tax credits is closely related to public funding issues in general, to spending and accounting issues and to a number of issues related to party finance, spending and regulation.

Intervenors:

Favouring an enriched tax credit:

New Democratic Party (Ottawa, June 12)

New Brunswick Liberal Association (Fredericton, March 19)

PEI Liberal Party (Charlottetown, March 21)

Mr. Rod Laporte, MP (Saskatoon, April 17)

Saskatchewan NDP (Regina, April 18)

Mr. Ed Whelan (Regina, April 18)

Don Blenkarn, MP (Toronto, May 7)

London West PC Association (London, May 10)

Liberal riding associations (London, May 10)
London West NDP (London, May 10)
Mr. Harold Johnson (Calgary, May 22)
Alberta NDP (Edmonton, May 23)
Institute for Political Involvement (Toronto, May 30)
Etobicoke Centre PC Association (Toronto, May 31)
Ontario NDP (Toronto, May 31)
Nova Scotia NDP (Halifax, June 4)
Mr. A. MacIsaac, NDP Official Agent (Sydney, June 5)
Dr. Maurice Foster, MP (Ottawa, June 11)
Mr. Scott Thorkelson, MP (Ottawa, March 12)
Canadian Labour Congress (Ottawa, March 12)

Opposed to greater tax credits:

Canadian Association of Friedreich's Ataxia (Montreal, April 9)
Manitoba Libertarian Association (Winnipeg, April 19)
Libertarian Party of Canada (Toronto, May 8)
Vancouver Libertarian Association (Vancouver, May 17)
Ms. Rita Ubriaco (Toronto, May 30)
Mr. Preston Manning, leader of the Reform Party (Edmonton, May 23)

Other intervenors:

Mr. Jean Cadieux (Moncton, March 20)
Mr. Frank Quennell, Saskatoon lawyer (Saskatoon, April 17)
Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry Sperling and Dan de Vlieger (Regina, April 18)

Mr. Robert Wall (Thompson, April 20)

Mr. Jacques-Marie Gaulin, Official Agent, Chambly (Quebec City, April 30)

University of Guelph (Toronto, May 7)

The National Citizens Coalition (Toronto, May 8)

Learning Disabilities Association of the Yukon (Whitehorse, May 14)

Confederation of Regions Party (Calgary, May 22)

Alberta Federal PC Party (Calgary, May 22)

Liberal Party (Calgary, May 22)

Mr. Cyril Keeper, MP (Winnipeg, May 29)

Mr. Ted Murphy and Mr. Reginald Guay (Winnipeg, May 29)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

PC Association of Newfoundland and Labrador (St. John's, June 6)

Ms. Maureen McTeer (Ottawa, June 12)

Senator Norman Atkins (Ottawa, March 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

20. ELECTORAL SYSTEM: GENERAL ISSUES

Key Issues:

- * Should major changes be made in Canada's electoral system to make Parliament more closely representative of the Canadian people and of their political opinions, or to make MPs more accountable to their electors?
- * Should Canada adopt some form of proportional representation for election to Parliament in place of the first-past-the-post system of single-member constituencies which is now in force?

Background:

Canada's system of electing one member per constituency is based on the British model and dates back to the beginning of parliamentary institutions in Canada. At times it has been modified slightly, as in the practise of having dual-member ridings which is only now being ended in British Columbia.

Apart from the English-speaking countries, most industrial democracies elect their legislatures through some form of proportional representation (PR). West Germany has a mixed system in which half of the members of the Bundestag from each state are elected by constituency, and half by a form of PR.

A number of U.S. states provide for some form of recall, through which a petition by a certain number of electors can be used to force a sitting legislator to resign or to seek re-election. The initiative is widely used in certain U.S. states, such as California, where it provides citizens with an opportunity to determine policy issues directly rather than through their elected representatives.

A number of Canadian provinces have legislative provisions for allowing the holding of a referendum, most notably the province of Quebec. Referenda have been held nationally in Canada on such issues as conscription, but there is no specific provision in the Elections Act.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Elections in the United States are held on a fixed date every two or four years. In the British tradition, New Zealand is unusual in setting a fixed date for its elections but provides that an election may be held earlier, if a government is defeated.

In Canada, elections must be held every five years. They occur at the call of the government or if Parliament is dissolved because the government has lost a vote of confidence in the House of Commons.

Suggested alternatives:

- Change the electoral system to a form of proportional representation to make Parliament more representative of the Canadian people;
- Adopt a mixed system along the lines used in West Germany where half of the members would be elected by constituency and half by PR;
- Add 30 members to the House of Commons on a proportional basis to improve the representation of parties which had at least 10% of the vote but a less than proportionate share of MPs;
- Hold a run-off election, as in France, in every seat where no candidate has won a majority of the votes;
- Ensure women are equally represented in Parliament by changing to a system of dual-member constituencies, each electing one male and one female MP;
- Hold Canadian elections on a fixed date once every four years;
- Allow for the recall of MPs and for putting initiatives on the ballot in order to bring more direct democracy to the Canadian electoral system;
- Adopt special legislation to provide for referendums so the Canadian people can express their views directly on major issues, such as the free trade agreement;
- Make voting in Canadian elections compulsory;

- Bring in an elected Senate;
- If a constituency election ends in a tie, hold a run-off election four weeks later;
- Allow party leaders to sit in Parliament without having to represent a constituency.

Comments and proposals:

Two dozen intervenors supported some form of proportional representation, and a dozen called for a fixed date for federal elections, usually on the basis that an election be held once every four years. Between six and eight intervenors supported the concept of a recall, asked that the law provide for referenda to be held nationally, or sought special provisions in the electoral system to ensure more equal representation in Parliament for women.

Three intervenors recommended that voting be mandatory; two called for an elected Senate; four, including political consultant Peter Regenstreif, urged that Canada adopt US-style political institutions, such as a primary election to select candidates, or suggested that the Prime Minister be elected separately and not be a Member of the House of Commons. The Ontario NDP recommended that party leaders sit in Parliament but not be required to represent a constituency because of their other responsibilities.

The major arguments for a system of proportional representation (PR) were that the present system does not accurately reflect the electorate, whereas PR would make Parliament more representative. Intervenors suggested that with PR, Parliament would have a wider diversity of opinions represented and could more faithfully reflect regional concerns. PR would allow more women to be elected, particularly if party lists had to include a certain proportion of women, as in Norway. A PR system would avoid distortions such as in New Brunswick where the Liberal Party won all of the seats in the Legislature, even though opposition parties received more than 40% of the vote.

Mr. Dennis James, of the Cumberland-Colchester Liberal Association, was the sole intervenor to speak against a PR system. He said it would pervert the relationship between MPs and their electors.

A number of intervenors recommended that Canada adopt the West German additional member system whereby half of the members

are elected by constituency and half by PR, with the allocation of the PR seats being used to balance disparities in the proportion of seats going to different parties through the constituency elections. Mr. Gérard Larose of the Confédération des syndicats nationaux du Québec suggested that the link between MPs and their constituents could be maintained if MPs were elected on the basis of PR but within ridings with three to five members. Several intervenors recommended use of a single transferable vote (STV) system which counts the second and even third preference of electors in a constituency if no candidate has a majority of the first-choice votes.

A group of Regina political scientists recommended the mixed West German system and suggested that half the PR seats be reserved for women and that 10 seats be reserved for aboriginal MPs. The question of special representation for native peoples was discussed at length by intervenors from the native community, and is dealt with in the summary on aboriginal issues.

The Council of Canadians was one of several intervenors recommending the use of run-off elections on the French model, where a second election is held a week after election day in those constituencies where no candidate won a majority of the vote. The Ontario NDP made the suggestion that while it was better to expand services for MPs than to expand the House of Commons, 30 seats should be added to the House to provide fairer representation than the present single-member system. It proposed that up to 30 additional seats be created to bring up the representation of parties winning more than 10 per cent of the vote, but whose proportion of seats in the House is less than the proportion of the popular vote. The MPs named to these seats would be those unelected candidates for each party with the highest share of the vote.

The argument for holding federal elections on a fixed date was mainly that it would make it easier to administer and organize elections, as well as provide for better enumeration. One or two intervenors suggested the fixed date was also more democratic because it removed the ability of the party in power to call an election at the most favourable time.

The arguments for a recall and for greater use of referenda were based on the need to make MPs more accountable, to encourage participation, and make the electoral system more democratic. Mr. Ted Maskell, of the Reform Party, made the specific case that MPs should vote as their constituents want rather than the Burkean position that an MP give his or her best judgement on behalf of the electors.

MP Patrick Boyer presented a draft bill which he has prepared to enable referenda to be held nationally on important issues. He said the power to hold referenda now exists in seven provinces. Professor Lawrence Leduc recommended that Canada allow for referenda to accompany general elections on issues such as the free trade agreement, although he recommended that the results should be advisory.

Some general concerns about the electoral system were aired by Ms. Maureen McTeer and MP John Manley. Ms. McTeer was concerned at the low value people place on parties and candidates and their lack of understanding of what politicians do. She also expressed concern about the degree to which political parties seemed to prefer the glamour of politics over the substance. Parties were needed which were open, representative, and public in a democratic sense.

Mr. Manley said it was essential to take into account the function of political parties in brokering the interests of different regions and different groups of Canadians, in developing and explaining policy, and in presenting the public with intelligent and experienced candidates. He expressed concern that the existing system of nominating candidates failed to achieve this goal and stressed the need to maintain public confidence in the electoral system as the basis for this recommendation.

A number of intervenors, including the National Advisory Council on the Status of Women and the Fédération des femmes du Québec, proposed the creation of dual-member ridings in order to ensure equal representation of women in Parliament. This issue is discussed in the summary on women in politics.

Mr. Howard Johnston, a former MP in British Columbia, warned that if the Senate were to be elected, then it would no longer be a Chamber of sober second thought, but would gain greater power than the House of Commons, as is the case in the U.S. system. He suggested the Senate could be improved if each province were allowed to name half of its Senators. He also supported the dual member system along with the NAC.

Dr. Frederick Engelmann, a political scientist, made the proposal to hold a run-off election in four weeks, when there is a tie vote in a constituency.

Other suggestions with respect to the electoral system included electing the Prime Minister separately from Members of Parliament, abolishing the party system and seeking to encourage more free votes while reducing the power of party whips in the House of Commons.

Related issues:

Related issues include redistribution, aboriginal issues, women in politics, election law and enforcement, regulation of political parties, civil rights and political rights, Elections Canada structure and operations.

Major Intervenors:

In favour of proportional representation:

Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry Sperling and Dan de Vlieger, political science professors at University of Saskatchewan (Regina, April 18);

Mr. Ken Bovey and Mr. Peter Robinson, Green Party (London, May 10)

Mr. Steve Kisby, Ms. Kathryn Cholette, and Mr. Richard Bidwell, Green Party of Canada (Vancouver, March 27)

Other:

Professor Lawrence Leduc, University of Toronto (Toronto, May 7)

Mr. Patrick Boyer, MP (Toronto, May 8)

Mr. Howard Johnston, former MP (Kamloops, May 15)

Dr. Frederick Engelmann (Edmonton, May 23)

Ms. Maureen McTeer, Conservative candidate (Ottawa, June 12)

Mr. John Manley, MP (Ottawa, June 13)

Other intervenors:

In favour of proportional representation:

Ms. Claudy Mailly, former MP (Ottawa, March 13)

William Mott Stewart, doctoral student in computer science (Moncton, March 20)

Mr. Alonzo LeBlanc, Société des acadiens et acadiennes de Shediac (Moncton, March 20)

Mr. Gérard Larose, Confédération des syndicats nationaux (Montreal, April 9)

Mr. Sylvain Auclair, Green Party (Montreal, April 10)

Mr. Lampart, CEO (Regina, April 18)

Mr. Blair Wotherspoon, Saskatchewan Coalition for Social Justice (Regina, April 18)

Mr. Fern Coulombe, former Cr ditiste candidate (Chicoutimi, May 1)

Mr. George Hewison, leader, Communist Party of Canada (Toronto, May 8)

Mr. Denis Pilon, citizen (Vancouver, May 17)

Mr. Robert Oldham (Calgary, May 22)

Mr. John Day, RO (Edmonton, May 23)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Dr. Brian Joseph, professor at University College of Cape Breton (Sydney, June 5)

Mr. David Roe, citizen (St.John's, June 6)

Ms. Mary Van Neste, citizen (Ottawa, June 11)

Mr. Louis Gravel, Parti nationaliste du Qu bec (Ottawa, June 11)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

Professor Jill Vickers, Carleton University (Ottawa, June 13)

Council of Canadians (Ottawa, March 13)

Other:

Confederation of Regions Party of New Brunswick (Fredericton, March 19)

Mr. E.R. Maston, RO (Fredericton, March 19)

Mr. Jean Cadieux (Moncton, March 20)

Mr. George Daley, citizen (Moncton, March 20)

Mr. Cecil MacPhail, RO (Charlottetown, March 21)

Mrs. Marguerite Balshaw, citizen (Victoria, March 26)

Mme Jo-Anne L'Heureux-Giguère, citizen (Montreal, April 11)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon, April 17)

Mr. Dennis Adkin, former journalist (Saskatoon, April 17)

Mr. Ed Whelan (Regina, April 10)

Mr. Kenneth Emberley, citizen (Winnipeg, April 19)

Ms. Suzanne Côté, RO (Chicoutimi, May 1)

The National Citizens Coalition (Toronto, May 8)

Mr. Peter Regenstreif, political consultant (Toronto, May 8)

Ms. Trudy Frisk, Green Party of Canada (Kamloops, May 15)

Ms. Connie Harris, federal candidate for the Green Party (Kamloops, May 15)

Mr. Gordon Letcher, citizen (Kamloops, May 15)

Mr. Ted Maskell, Reform Party (Kamloops, May 15)

Mr. Gerald Kirby, New Populist Party of B.C. (Vancouver, May 17)

Mr. Andrey Lasichuk, citizen (Vancouver, May 17)

Mr. Preston Manning, leader of the Reform Party of Canada (Calgary, May 22)

Mr. Elmer Knutson, leader of the Confederation of Regions Party (Calgary, May 22)

Mr. Don Scott, consultant and former MLA (Yellowknife, May 24)

Mr. A.J. Moreau, citizen (Winnipeg, May 29)

Mr. Richard Wattam, citizen (Toronto, May 30)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Mr. Dennis James, Cumberland-Colchester Liberal Association (Halifax, June 4)

Mr. James Lovelace, Canadian Legion (Sydney, June 4)

Dr. Viola Robinson, Native Council of Nova Scotia (Sydney, June 5)

Dr. Glenda Simms, National Advisory Council on the Status of Women (Ottawa, June 11)

Fédération des femmes du Québec (Ottawa, June 11)

Mr. Lucien Saumur, citizen (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

21. INTEREST AND ADVOCACY GROUP ISSUES

Key issues:

- * Should advertising and other interventions by advocacy groups (AGs) during federal election periods be prohibited or regulated under the Elections Act?
- * Should the activity of AGs during election periods be restricted, even if this means using the notwithstanding clause under the Charter?
- * Should a distinction be made between public meetings, canvassing, and other forms of local activity, and advocacy group advertising in the mass media, or should all the election activities of AGs be regulated on the same basis?
- * If advertising by the candidates and parties is blacked out for part of the election period, is some form of blackout on advocacy group advertising a reasonable restriction under the Charter?
- * Should election spending limits on parties and candidates be revised or removed to help them contend with interventions by AGs?

Background:

Advocacy groups (AGs) took on a high profile during the 1988 election because of the vigorous advocacy for and against the free trade agreement, which was spearheaded by the Canadian Alliance on Trade and Job Opportunities and by the Pro-Canada Network. On a more local level, groups like the Saskatchewan Pro-Life Association used a combination of volunteer canvassers and TV advertising during the 1988 campaign, which was said to have had a substantial impact on the vote of the candidates who were targeted.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Amendments to the Elections Act in 1974 prohibited spending by an advocacy group during an election campaign that favoured or opposed a political party or candidate, but exempted spending that was related to an issue. Bill C-169 in 1983 removed that exemption, and created the present Section 70.1 of the Act, which prohibits any election expense that is not channelled through a political party or local campaign. This section was struck down by an Alberta Court in 1984 in the National Citizens' Coalition case. This case was not appealed, and hence left the door open for the substantial activity by AGs in the 1988 campaign.

Quebec's electoral law prohibits advertising by AGs during elections, and has been upheld in the courts.

Suggested alternatives:

The suggested alternatives are grouped into three categories, but these categories are not mutually exclusive. For example, a number of the more permissive proposals would still require some form of regulation. A final group of alternatives deals with legal issues.

The following suggestions were generally intended to restrict the activity of advocacy groups during Canadian elections:

- Regulate the activity of AGs at election time by including measures in the Elections Act, such as registration of AGs, spending limits, disclosure requirements, and controls on the source and size of donations;
- Bar any intervention by AGs during election periods;
- Apply the same rules to AGs, such as disclosure, spending, and contribution limits, etc., as are applied to a political party;
- Require that all spending by an AG at election time be counted as an expense for the political party that the AG's activity favours;
- Require AGs to register in the same way that is required of lobbyists;
- Limit election spending by any AG on the basis of its number of members;

- Set spending limits for AGs lower than for parties or for candidates;
- Require that funds used by AGs for their election interventions be raised from individual rather than corporate sources;
- Limit spending by an AG to a maximum of \$500,000 or \$1 million in an election campaign;
- Where corporate funds are to be used by an AG at election time, require that any donations are first approved by the shareholders;
- Do not allow corporations to deduct contributions to interest groups for tax purposes;
- Allow AGs to intervene on the basis of issues during an election period provided that they provide and pay for equal time or space for an opposing viewpoint.

The following suggestions were generally intended to permit the activity of advocacy groups during Canadian elections:

- On the grounds of freedom of speech, do not regulate the intervention of AGs at election periods;
- Allow corporations and other legal persons the same rights of free speech in elections as individuals;
- Allow intervention by AGs based on issues but not by AGs that support or oppose a political party or candidate; in other words, restore the legislation as it existed in 1974;
- Allow intervention by established interest groups and lobbies, but not by AGs created on an ad hoc basis for a particular election;
- Raise the spending limits for political parties and candidates rather than restrict the intervention of AGs;
- Maintain spending limits on political parties and candidates because of the other privileges they enjoy, but do not limit the spending of AGs during the campaign period;

- Require AGs intending to intervene during election periods to be registered and to disclose their spending and source of funds, but not to be subject to a restriction on spending;
- Black out all AG advertising for the final 72 hours of a campaign, but not before;
- Do not take measures to try to prevent one or more AGs from targeting resources into a particular riding, or for or against a particular candidate;
- Allow the creation of Political Action Committees and their involvement in campaigns on the U.S. model;

The following suggestions were generally intended to strike a balance on the issue by allowing some activity of advocacy groups during Canadian elections:

- Seek a balance between the rights of free expression for AGs and the need for some meaningful equality between the parties during election campaigns;
- Allow AGs to carry out local, people-oriented activity, such as canvassing and holding public meetings, while barring or restricting advertising by AGs in the mass media at election time;
- Black out AG advertising for part of the election period for the same reason that advertising by candidates and parties is now blacked out for part of the campaign;
- Allow AG advertising to help "set an agenda" for the election during the first part of the campaign, but black out the AGs when the parties can begin to advertise;
- Require no reporting by small community-based AGs and simplified reporting for AGs spending less than \$10,000;

The following alternatives refer to legal issues concerning advocacy groups which were raised at the hearings:

- Refer the Alberta decision in the 1984 National Citizens' Coalition case to the Supreme Court for a definitive ruling as to whether the Elections

Act can regulate AG intervention under the constitution;

- Do not refer the 1984 legislation to the Supreme Court, but pass new legislation governing AGs and elections which is appropriate to the needs of the next decade and let the new legislation be tested in the courts if necessary;
- Make sure any measures to regulate AGs are proportionate in order to meet the requirements of the Charter;
- Use the notwithstanding clause in the Constitution in order to circumvent any further legal obstacles to regulating the intervention of AGs in federal elections;
- Include a preamble setting out the spirit of the Elections Act which could be used in interpreting how the Act should apply to AGs;
- Legislate against collusion between AGs, and against political parties helping to finance AGs, as a means of getting around limits on their campaign expenditure.

Comments and proposals:

More than 100 intervenors commented on advocacy group issues at the hearings, more than on any other issue except that of campaign and party finance. A number of the interventions reflected anger about the involvement of advocacy groups in the 1988 campaign, or concern about the impact of AGs on the democratic process. Many intervenors felt that the electoral system had been biased towards business or to foreign corporations or that the 1988 election had been "bought" by big money. On the other side, there were substantial arguments about maintaining individual rights and the rights of free speech and the need to reduce or eliminate regulation.

Mr. Michael Adams, of Environics Research Group, who did not take a position, told the Commission that advocacy group advertising played a significant role in the 1988 election and may have made the difference between a minority and a majority Conservative government.

Former CEO, Jean-Marc Hamel, contended that the issues of limiting election expenses and of regulating advocacy groups were

linked. The Commission should examine whether the principles of fairness, openness and equal access found in the Barbeau Committee report and the present legislation were still valid, and if so, it should seek to regulate partisan political activity by advocacy groups. A number of other intervenors took the same position, some contending that the issue was one of choosing between individual rights and the communal or collective right to a fair electoral process not unduly influenced by financial capabilities.

Intervenors favoured some form of regulation or restriction of advocacy groups, by a seven to three margin, with Liberal and NDP intervenors almost unanimous in favour, non-party intervenors in favour by about two to one, and Progressive Conservative intervenors opposed to redistricting advocacy group intervention by about two to one. Intervenors from minor parties were split, with Libertarians favouring advocacy group intervention and Greens favouring restriction.

On a regional basis, intervenors were strongly in favour of regulating advocacy groups in Quebec and in the Atlantic provinces and were about two to one in favour in Ontario and in the Prairies. They were about evenly divided in B.C., but the number of intervenors commenting from that province was small.

A wide variety of alternatives was offered to regulate or to permit activity by advocacy groups. The most common proposal was to advocate or to oppose regulation without being specific. About a dozen intervenors recommended that all advocacy group intervention be barred and the same number suggested that spending by AGs be permitted only if it were counted by a party or candidate as an election expense. Just under 10 intervenors recommended that the National Citizens Coalition judgement be referred to the Supreme Court of Canada, and that AGs be treated like a political party.

There was substantial support, both from those who supported and those who opposed restrictions on AG activity, for requiring reporting of AGs' spending and disclosure of the source of their contributions. Several intervenors suggested disclosure as an alternative to more restrictive regulation of AGs.

Use of the notwithstanding clause was proposed in a detailed presentation by Professor Robert Martin of the University of Western Ontario. Its use was supported by MPs Charles Caccia, and John Rodriguez, and former MP Lynn McDonald, and opposed by the Newfoundland Liberal Party, and the Nova Scotia NDP. Representatives of the Ontario NDP and Ontario Federation of Labour leaned toward favouring use of the notwithstanding clause, and promised to take a more definitive position later.

The Council of Canadians contended that the notwithstanding clause was a non-issue because regulation of advocacy groups was a reasonable restriction under the Charter, a position taken by a number of other intervenors who favoured regulation.

Those favouring regulation of AGs argued that the electoral playing field is not level if private interests can spend freely, and the electoral process should be reserved in the main for the parties and the electors. They contended that the system will not be democratic if groups like the poor and disabled cannot effectively participate because of lack of resources, and that the situation has changed since 1984 when the courts ruled against regulating AGs, particularly because of the experience of the 1988 campaign. Among other intervenors, the Canadian Labour Congress argued that it was a reasonable restriction to limit advertising by advocacy groups because a campaign period only lasted for 50 days out of 1461 days in a normal four-year election cycle.

Those opposing restrictions argued on the grounds of free speech, and also contended that AGs play an important role in making candidates and parties face issues, such as abortion, which they would prefer to ignore. Several intervenors contended that corporations should have a right to take part in elections because they paid taxes or because they were associations of individuals. Some intervenors suggested that the rise of interest groups reflected a failure of the parties to adequately represent all the concerns of Canadians, or that the issues had grown too complex to be handled solely by the parties. The Saskatchewan Pro-Life Association, and others, suggested that it was precisely at election time that it wanted to be active because it wanted to see pro-life MPs elected.

The Canadian Bar Association made a lengthy presentation in favour of a "principled balance" between the rights of free expression and the need for some measure of equality. The Council of Canadians, which played a major role in the Pro-Canada Network during the 1988 campaign, also suggested a compromise approach by which local activity of AGs such as canvassing, public meetings, and even direct mail would be permitted, while mass media advertising by AGs would be restricted or banned. Several other intervenors supported that approach.

The technical aspects of specific proposals were generally not developed, for example what spending and contribution limits might apply if an AG were to be treated like a political party. Those favouring a ban on intervention by AGs, or a reference to the Supreme Court, tended to favour restoring the 1983 legislation. MP Patrick Boyer argued that the parties are national integrating organizations and it was wrong to allow AGs

a free ride in undermining that role. He favoured a return to the 1974 form of regulation.

The London Liberals, Professor Agar Adamson and some other intervenors suggested a partial black-out that would allow advocacy groups to advertise during the first part of a campaign but not to advertise once the parties are allowed to begin advertising, or to advertise up to the final two weeks of the campaign. If it is "reasonable" to black-out party advertising, they contended, then such a black-out on AGs would also be reasonable under the Charter.

In questioning, some Commissioners suggested that the reverse might apply, and that if AGs were allowed to spend freely, the case could be put that spending limits on candidates or parties should not apply. Professor Vincent Lemieux, in Quebec City, suggested that it would be easier to justify banning corporate donations to AGs under the Charter if the parties were restricted from receiving corporate contributions.

Although it generally opposed restrictions on AGs, the Canadian Alliance on Trade and Job Opportunities suggested that it would be acceptable to black-out advertising by AGs for the last 72 hours of a campaign.

Mr. Bernard Nayman, a campaign auditor from Ontario, recommended that reporting requirements be simplified or eliminated for AGs spending less than \$10,000. Mr. George Hewison, of the Communist Party, suggested that it was acceptable to permit popular groups and community-based organizations to take part in the electoral process, but not well-financed business lobbies such as the Alliance on Trade and Job Opportunities or the National Citizens' Coalition.

The question of collusion between parties and advocacy groups was raised on a number of occasions, as was the problem of AGs "mutating" or multiplying in order to get around spending restrictions. Intervenors suggested that there were ways that these problems could be handled just as was done under the Income Tax Act. The question of interest groups ganging up on a constituency or concentrating their resources to oppose particular candidates was also raised, but no specific restrictions were suggested.

U.S. law permits Political Action Committees to collect funds to support specific interests or issues and to use these funds to intervene in political campaigns so long as there are no corporate or union donations. No intervenor recommended allowing

PACs in Canada, but the Commissioners suggested that several proposals from intervenors amounted to allowing the equivalent to PACs to operate in Canadian elections.

A specific problem with postering was raised in Saskatoon by Citizens Concerned about Free Trade. A number of its members had been harassed or prosecuted by municipal authorities for placing its campaign posters against free trade on lampposts and light standards during the 1988 campaign. It recommended that the Elections Act specifically authorize postering on publicly owned light standards during election campaigns.

Related issues:

This issue is closely related to the issues on party finance, spending and regulation, to government advertising in elections, to election law and enforcement and to the electoral system, general issues.

Major intervenors:

In favour of regulating AGs:

The Council of Canadians (Ottawa, March 13)

Dr. Suzanne Birks, Canadian Human Rights Foundation (Montreal, April 10)

Ms. Marjaleena Repo, Citizens Concerned About Free Trade (Saskatoon, April 17)

Professor Louise Quesnel, Laval University (Quebec, April 30)

Mr. Bernard Nayman, accountant (Toronto, May 7)

Professor Robert Martin, University of Western Ontario (London, May 10)

Calgary Chamber of Commerce (Calgary, May 22)

Alberta Federation of Labour (Edmonton, May 23)

Ms. Julie Davis, Ontario Federation of Labour (Toronto, May 31)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Mr. Walter Thompson, Nova Scotia Civil Liberties Association (Halifax, June 4)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Mr. John Jennings, Canadian Bar Association (Ottawa, June 11)

Opposed to regulating AGs:

Mr. Thomas d'Aquino, Canadian Alliance on Trade and Job Opportunities (Ottawa, March 13)

Professor Howard McConnell, College of Law, University of Saskatchewan (Saskatoon, April 17)

Mr. Thomas Schuck, Saskatchewan Pro-Life Association (Regina, April 18)

Ms. Gwen Landolt, R.E.A.L. Women (Toronto, May 7)

The National Citizens Coalition (Toronto, May 8)

Mr. Harry Katz, PC Riding Associations (Toronto, May 30)

Mr. John McElwain and Mr. Douglas Robson, Etobicoke Centre PC Association (Toronto, May 31)

Mr. George Cooper, lawyer (Halifax, June 4)

Other:

Ms. Maureen McTeer, candidate, Conservative Party (Ottawa, June 12)

Other Intervenors:

In favour of regulating AGs:

New Democratic Party (Ottawa, March 12)

Liberal Party of Canada (Ottawa, March 12)

Mr. Jean-Marc Hamel (Ottawa, March 12)

Mr. François Gérin, MP (Ottawa, March 12)

Canadian Labour Congress (Ottawa, March 12)

Ms. Nancy Riche, Vice-president, Canadian Labour Congress (Ottawa, March 13)

Mr. Len Hopkins, MP (Ottawa, March 13)

Professor Gary Hughes (Fredericton, March 19)

New Brunswick Liberal Association (Fredericton, March 19)

Mr. Lorne Cudmore, Official Agent for the NDP (Charlottetown, March 21)

PEI Liberals (Charlottetown, March 21)

PEI PC Riding Associations (Charlottetown, March 21)

Mr. Steve Orcherton, Victoria Labour Council (Victoria, March 26)

Mr. Paul McKivett, Saanich-Gulf Islands Liberal Association (Victoria, March 26)

Ms. Kathryn Cholette, Mr. Steve Kisby, Green Party of Canada (Vancouver, March 27)

Confédération des syndicats nationaux (CSN) (Montreal, April 9)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Senior Citizens Forum of Montreal (Montreal, April 9)

Chamber of Commerce, Greater Montreal (Montreal, April 10)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon, April 17)

Mr. Rod Laporte, MP (Saskatoon, April 17)

Mr. Frank Quennell, lawyer (Saskatoon, April 17)

Mr. Chris Axworthy, MP (Saskatoon, April 17)

Mr. Fred Curths, Vice-president, Voice of the Handicapped (Saskatoon, April 17)

Association of Rural Municipalities (Regina, April 18)

Mr. Fred Yeo, PC Riding Association (Regina, April 18)

Mr. Jerry Herman (Regina, April 18)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Canadian Disabilities Rights Council (Winnipeg, April 19)

Mr. Pierre-F. Côté, CEO (Quebec, April 30)

Professor Vincent Lemieux (Quebec, April 30)

Professor Patrice Garant (Quebec, April 30)

Ms. Lynn McDonald, former MP (Toronto, May 7)

Mr. Michael Shapcott, Christian Resources Centre (Toronto, May 7)

Mr. Patrick Boyer, MP (Toronto, May 8)

Mr. George Hewison, leader, Communist Party of Canada (Toronto, May 8)

Mr. Michael Keller, Mid-Canada Communications (Sudbury, May 9)

Sudbury Provincial NDP (Sudbury, May 9)

Mr. John Rodriguez, MP (Sudbury, May 9)

Liberal Riding Associations (London, May 10)

Ms. Connie Harris (Kamloops, May 15)

Mr. Gordon Hoffman, Kamloops Federal Liberal Association (Kamloops, May 15)

Mr. Eric Groody, lawyer (Calgary, May 22)

Liberal Party of Canada in Alberta (Calgary, May 22)

Mr. Ross Harvey, MP (Edmonton, May 23)

Ms. Patricia Spencer, Liberal Party of Canada (Edmonton, May 23)

Mr. Don Scott, consultant, former MLA (Yellowknife, May 24)

Manitoba Federation of Labour (Winnipeg, May 29)

Mr. Charles Caccia, MP (Toronto, May 30)

Mr. Hans Vander Stoep, Reformed Christian Business and Professionals Organization (Toronto, May 30)

Mr. Colin Williams, Concerned Citizens for Civic Affairs in North York (Toronto, May 31)

Ontario Federation of Students (Toronto, May 31)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

22. GOVERNMENT ADVERTISING IN ELECTIONS

Key issue:

- * Should advertising by governments be restricted or banned during the course of federal elections?

Background:

There are no specific rules governing advertising by governments in the Elections Act, although the general rule against election expenses being incurred, except by parties and candidates, could apply against government advertising if it had not been struck down by the Alberta courts.

In recent years there has been a substantial increase in government-sponsored advocacy and information advertising on such issues as national unity, tax reform, free trade and the Goods and Services Tax.

Saskatchewan law restricts all government advertising during an election campaign apart from a very restricted list such as employment advertisements and calls for tender.

Suggested alternative:

- Restrict or ban government advertising during election campaigns through the Elections Act.

Comments and proposals:

Several intervenors in Saskatchewan and Alberta, along with the Council of Canadians, criticised the Alberta government for advertising during the 1988 campaign to support the free trade deal. They estimated the cost at between \$500,000 and \$600,000, and called this intervention inexcusable and inappropriate.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990 but not on other Commission research.

MP Ross Harvey recommended that intervention in elections by provincial and municipal governments be prohibited. This view was supported by Mr. Frank Quennell, in Saskatoon, by Mr. Don Ferguson, a former NDP candidate from Lethbridge, by the Taddle Creek Greens in Ottawa and by the Council of Canadians.

Intervenors:

Mr. Frank Quennell, lawyer (Saskatoon, April 17)

Mr. Don Ferguson, former NDP candidate (May 22)

Mr. Ross Harvey, Edmonton Northwest NDP (Edmonton, May 23)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

23. LIQUOR ISSUES

Key issue:

- * What rules should apply to the sale of beer and alcohol during voting hours on election day and in ridings where by-elections are being held?

Background:

Section 67 of the Elections Act makes it an offense to sell or to give out alcoholic beverages in any hotel, tavern or public place during polling hours on election day. The same rule applies on voting day to licensed premises within a constituency where a by-election is being held.

Bill C-79 proposed rescinding Section 67 but would have retained the provision making it an offense for anyone to offer food or drink to induce any person to vote, and for a candidate or official agent to provide anyone with alcoholic beverages with the intent to influence their vote.

According to the Canadian Restaurant and Food Service Association, five of the ten provinces now permit sales of liquor during polling hours on their provincial election day.

Suggested alternatives:

- Rescind the ban on alcoholic beverages on election day;
- Allow each province to decide whether or not to restrict liquor sales on the day of federal elections;
- Do not require licensed premises to close for federal by-elections;
- Maintain restrictions on the sale of alcohol on election day to help ensure that potential voters make it to the polls.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990 but not on other Commission research.

Comments and proposals:

The demand from industry spokespeople to rescind the ban on alcohol on election day was unanimous. The Canadian Restaurant and Food Service Association estimated that the industry loses \$5 million in sales because of the liquor ban on election day, and that small businesses would benefit if it were lifted. Other intervenors suggested the law was antiquated, unjust, and archaic, and that Canadian lifestyles and election practises have both changed since the law was written.

Mr. Jim Green of the Downtown East Side Residents Association in Vancouver opposed lifting the ban. He urged that the restrictions be maintained to prevent people who wanted to vote from being sidetracked, in an area such as the one served by DERA, because they had to pass by a number of pubs on their way to their polling station.

Mr. Ted Urness of the Canadian Association of Liquor Jurisdictions urged that the provinces be allowed to decide whether or not to close liquor stores and licensed premises during polling hours for federal elections but said he would prefer that the reference to liquor be simply deleted from the Act.

Intervenors:

Mr. Tim Woods, Vice-president, Association of Canadian Distillers (Ottawa, March 13)

Mr. Don Cudmore, President, PEI Restaurant and Food Services Association (Charlottetown, March 21)

Mr. Roland Turcotte, Association des tavernes et brasseries du Québec (Montreal, April 11)

Mr. Ted Urness, Canadian Association of Liquor Jurisdictions (Regina, April 18)

Mr. Adrian Cownden, B.C. Restaurant and Food Services Association (Vancouver, May 17)

Mr. Jim Green, Downtown East Side Residents Association (Vancouver, May 17)

Canadian Restaurant and Food Service Association (Toronto, May 30)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

24. ELECTION LAW AND ENFORCEMENT

Key issues:

- * What kind of enforcement mechanism should be established to handle infractions of the Elections Act where fraud or criminal intent are not involved?
- * What form should the Elections Act take to respond to demands that it be made simpler and easier to use?

Background:

Under the present Act investigations are carried out for Elections Canada by the RCMP because the Commissioner of Canada Elections does not have the necessary powers. Cases under the Elections Act and other election-related legislation are normally heard by a county or district court judge rather than by the Federal Court of Canada.

Bill C-79 proposed to make the Federal Court the court of competent jurisdiction and to add the responsibility of ensuring compliance with the Act to the duties of the Chief Electoral Officer.

In place of the present Commissioner of Elections, the bill proposed to create an Elections Enforcement Commission with five members, of whom three would be appointed to represent the major parties in Parliament. This commission would have the power to investigate complaints and the discretion to prosecute. Investigations would not be disclosed unless a prosecution was being launched. The commission would have the power to dismiss frivolous complaints.

Bill C-79 also proposed to rewrite the Elections Act using gender neutral language.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

- Decriminalize the administration of election law so that possible offenses are investigated by Elections Canada instead of the RCMP except where criminal intent is suspected;
- Establish a Canada Elections Enforcement Commission which includes representatives of the three major parties to screen complaints and direct investigation of complaints under the Act and to decide when prosecutions should be launched;
- Name a judge of the Federal Court of Canada to specialize in election issues and direct all election-related cases to that judge rather than having them heard in county or district courts;
- Speed up the procedure for hearing cases under the Elections Act and related legislation and shorten the permitted periods for appeal;
- Have all investigations of infractions under the Act carried out in private unless a charge is laid;
- Simplify the Act and make it clearer and more user friendly;
- Have Elections Canada provide advance rulings and issue interpretation bulletins to clarify problems under the Elections Act, as Revenue Canada does with the Income Tax Act;
- Rewrite the Elections Act in gender-neutral language;
- Have the CEO nominated by the Speaker of the House of Commons after consultation with the parties rather than by the government of the day;
- If a candidate who was declared elected is removed from office because of infractions under the Act, award the seat to the candidate who stood second rather than calling a by-election;
- Allow a party to operate without formally designating a leader;

Comments and proposals:

The major concerns of intervenors on the issue of election law and enforcement were decriminalization and simplification of the Elections Act, but a number of other concerns were raised by one or two intervenors apiece.

Former CEO Jean-Marc Hamel and Commissioner Norman Inkster of the RCMP both supported decriminalization and the transfer of investigations under the Act from the RCMP to Elections Canada, as did MPs Mark Assad, John Reimer and John Manley and former MP Lynn McDonald. The Thompson Chamber of Commerce and MP Albina Guarnieri were opposed.

Senator Norman Atkins was one of a number of intervenors who complained about the complexity and difficulty of interpretation of the present Act as well as about last-minute changes in interpretation by Elections Canada. Campaigns are run by thousands of volunteers who are not familiar with legal interpretations, but whose participation is important to democracy, he said in urging that the Act be rewritten to make the rules clearer and easier to use. Mr. Robert Gabor, a PC legal counsel in Manitoba, urged the use of interpretation bulletins by Elections Canada to ensure consistency.

The federal Liberal Party supported the idea of a Canada Elections Commission which would direct investigations and prosecution under the Act, but wanted the means of enforcement defined in the Act rather than left to the government. This idea was opposed by the federal NDP which favoured the alternative of expanding the powers of the present Commissioner of Canada Elections with judicial review moved to the Federal Court of Canada.

The NDP supported the Royal Commission's intention to work for a consensus on the issues of electoral reform and expressed concern that the government drew away from the practise of consensus on electoral issues when it introduced Bill C-79.

On other issues, Mr. Keith Lampard, CEO for Saskatchewan, suggested that 90% of enforcement issues would be eliminated if there were no spending limits on the parties at elections. Ms. Trudy Frisk, Speaker of the Green Party in B.C., explained that her party had appointed spokespeople in each region rather than having a leader and asked that this be allowed under the Act.

Mr. Reimer, who came under RCMP investigation after the 1984 campaign, described the experience and asked that an MP be informed if an inquiry is taking place and when it has been concluded. Ms. McDonald suggested that if a seat were vacated

because of illegal practises, it should be awarded to the candidate who came second in much the same way as occurs in an athletic race if the person who came first is disqualified. Dr. Frederick Engelmann questioned having the government of the day nominate the Chief Electoral Officer, even if the appointment is then made by resolution of the House of Commons, and recommended that the nomination be made by the Speaker after consultation with the major parties in Parliament.

Related issues:

Because of its breadth the question of election law and enforcement is related to most of the other issues being considered by the Royal Commission. A number of Charter issues concerning electoral law are dealt with under specific subjects such as mentally handicapped, prisoners' voting rights, Canadians abroad and interest and advocacy group issues.

Intervenors:

Mr. Jean-Marc Hamel (Ottawa, March 12)

Liberal Party of Canada (Ottawa, March 12)

Mr. Marc Assad, MP (Ottawa, March 12)

Commissioner Norman Inkster, RCMP (Ottawa, March 13)

Mr. Tim Woods, Vice president, Association of Canadian Distillers (Ottawa, March 13)

Mr. John Reimer, MP (Ottawa, March 13)

Mr. E.R. Maston, RO (Fredericton, March 19)

Mr. Keith Lampard, CEO (Regina, April 18)

Mr. Ed Whelan (Regina, April 18)

Mr. Robert Gabor (Winnipeg, April 19)

Mr. Alex Murchie, Official Agent (Thompson, April 20)

Ms. Margaret Pronyk, President, Thompson Chamber of Commerce, and Ms. Bunny Kane, Director (Thompson, April 20)

Professor Patrice Garant, professor, Université Laval (Quebec, April 30)

Ms. Lynn McDonald, former MP (Toronto, May 7)

Mr. Warren Bailie, CEO for Ontario (Toronto, May 7)

Commission on Election Expenses (Toronto, May 7)

Mr. Garnet Bloomfield, former MP (London, May 10)

Ms. Trudy Frisk, Green Party of Canada (Kamloops, May 15)

Mr. Richard Blair, campaign manager (Kamloops, May 15)

Ms. Pat Portsmouth, NDP (Vancouver, May 17)

Mr. Ted Carruthers, Alberta Federal PC Party (Calgary, May 22)

Dr. Frederick Engelmann, political scientist (Edmonton, May 23)

Mr. John Day, RO (Edmonton, May 23)

Mr. Richard Balasko, acting CEO (Winnipeg, May 29)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Mr. Howard Crosby, MP (Halifax, June 4)

Ms. Debi Forsyth-Smith, Nova Scotia Advisory Council on the Status of Women (Halifax, June 4)

Mr. Michael Coyle, Nova Scotia NDP (Halifax, June 4)

Ms. Mary Margaret MacLean, RO (Sydney, June 5)

Mr. Maurizio Bevilacqua, MP (Ottawa, June 11)

Ms. Albina Guarnieri, MP (Ottawa, June 12)

Mr. John Manley, MP (Ottawa, June 13)

ROYAL COMMISSION ON ELECTION REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

25. MINOR PARTY ISSUES

Key issue:

- * Are the Elections Act rules with respect to broadcasting, registration of parties and public funding fair to minor parties and to what extent, if any, should they be changed?

Background:

The Elections Act and Canada's electoral structure contains a number of rules and practises which increase the difficulty of small and new parties becoming established. These include:

- The single-member constituency system used in Canada tends to make it harder for a small party to elect MPs than the system of proportional representation used in most industrial democracies.
- New parties cannot become registered until an election is called and they have officially nominated at least 50 candidates. This may have a discouraging effect on contributions to a new party during its formative period because the party is not eligible for tax credits until it is registered. It means that a party which does not present 50 candidates at an election cannot issue receipts for tax credits on contributions between elections until it re-qualifies, although its candidates may issue tax receipts on contributions made during the election period.
- Candidates from minor parties must win at least 15% of the vote in their riding in order to qualify for a 50% reimbursement of their election expenses. In many cases, this means that local campaigns are twice as expensive for minor parties as for those which are established.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

- Smaller parties must spend at least 10% of the maximum they are allowed to spend as a party in order to qualify for the 22 1/2 per cent federal subsidy for party expenses, although there is no minimum vote required.
- Minor party leaders are generally excluded from the leaders' debates on television.
- Minor parties receive too little time in the broadcast media to have an effective impact, because the allocation of free time and of advertising time on radio and television is based on the number of votes received at the previous election. In the 1988 election, 14 minor parties were given a total of 64 minutes of free time on the CBC and CTV networks, with most getting only four minutes. By comparison, the Conservatives were allocated 202 minutes, the Liberals 92 minutes and the NDP 70 minutes of free time on CBC and CTV.

In the 1988 general election the three main parties received 95.4% of the votes cast and minor parties received 4.2%. The six largest minor parties (with % share of vote) were: Reform Party (2.09%); Christian Heritage Party (0.78%); Rhinoceros Party (0.40%); Green Party (0.36%); Confederation of Regions Western Party (0.31%); and Libertarian Party (0.25%). Independent and non-affiliated candidates received 0.36% of the total vote.

No minor party candidates were elected in the 1988 election. In a 1989 by-election in Beaver River riding in Alberta, Ms. Deborah Grey was elected to become the first Reform Party Member of Parliament.

Suggested alternatives:

This summary focuses on issues concerning the status of minor parties relative to electoral law and practise in Canada and covers the specific proposals of the minor parties in such areas as broadcasting, public funding of minor parties and rules for registration of parties. Issues of more general interest raised by minor party representatives at the Commission's hearings are discussed in the summary for that issue.

In this summary "minor party" is taken to mean any new federal party or any federal party which has not yet been recognised as a party in the House of Commons, i.e., all federal

parties except for the Progressive Conservatives, Liberals and New Democrats.

Comments and proposals:

Broadcasting:

Mr. Bob Roth, a journalism researcher, contended at the hearings that there is systematic discrimination against minor parties in the media. A number of minor party representatives agreed. Mr. Greg Vezina, of the Greens, argued that the lack of news and public affairs coverage for minor parties violated the obligation of broadcasters under the Broadcasting Act to provide equitable treatment. He noted that the only national coverage of the Greens on the CBC during the last election came when the Green Party threatened to sue the CBC - for lack of coverage.

Mr. George Hewison, leader of the Communist Party, said his party's efforts to make known its alternatives to the Free Trade Agreement were frustrated by its limited access to the media under the Elections Act, as well as by its limited resources.

There were widespread complaints from the minor parties with respect to the limited amount of free and paid time allocated to the minor parties. The Vancouver Libertarians contended that there should be no limits on advertising by any party. Ms. Trudy Frisk of the British Columbia Greens recommended that every party should get equal free time on the broadcast media - a position supported by Mr. Preston Manning of the Reform Party and by the Christian Heritage Party.

Mr. Vezina recommended giving equal broadcast time to any party that nominates 75 candidates (instead of the present requirement for 50), but suggested that an acceptable alternative would be to allocate time according to a more generous formula than at present, provided that the threshold for public funding of a party is dropped to 3% of the vote.

Mr. Hewison recommended that the allocation of broadcasting time be based on a formula whereby a third of the time would be divided equally between the registered parties; a third according to the parties' share of the vote at the last election; and a third according to the number of seats held in the House of Commons.

The Parti nationaliste recommended that free time be allocated to regional parties on a regional rather than a national basis. Mr. George Knutson of the Confederation of Regions Party recommended that free time should be made available exclusively to parties with no members in Parliament, because

they get less attention from the media.

Ms. Frisk, who sought the right for a party not to have an official leader, recommended that all party leaders participate in the televised leaders' debate on an equal basis. Mr. Peter Desbarats, head of the School of Journalism at the University of Western Ontario, said common sense should prevail but that it was difficult to put rules down on paper with respect to which leaders should participate.

Mr. Manning of the Reform Party said that it was impractical to have a national television debate of 10 or 12 leaders but that some middle way was needed between including the minor party leaders and complete exclusion. MP Simon de Jong recommended that a second debate be organized on television between leaders of the minor parties. Mr. Knutson, for COR, suggested that the leaders' debate be left as is but that the minor parties be given more free time as compensation for being excluded from the debate.

Mr. de Jong proposed using the Parliamentary channel for debate between all registered parties. Mr. Vezina of the Greens also proposed wider use of the Parliamentary Channel. He suggested it be used as an election channel with time allotted for messages from different parties, including the minor parties.

Mr. Michael McEwen, for the CBC, said the question of minor party access to free time was a political decision although the CBC did not support the notion of giving equal time to all parties. He said the CBC sought to reflect parties and leaders to the extent that they were having an impact on a campaign, but journalistic standards did not require the CBC to automatically grant coverage to minor party leaders. In 1968, however, when the Social Credit Party had some potential influence on the campaign, Mr. Real Caouette was a part of a leaders' debate. Mr. McEwen contended that the CBC had not been doing a bad job when new parties became active, but that a new party had to start in a region before it could possibly have currency on a national basis.

Other issues:

While other issues were raised by minor party representatives, none attracted nearly the amount of concern raised with respect to the rules affecting broadcasting.

Three representatives of the Green Party recommended that Canada move to a system of proportional representation, using an additional member system such as West Germany's in which some MPs are elected by district and some on the basis of regional party lists. The Parti nationaliste and the Communist Party also

favoured PR. Mr. George Hewison of the Communists contended that PR was needed in order to encourage wide political diversity in the House of Commons. He said that many interests of Canadians who are represented by smaller and special interest parties would continue to be marginalized so long as the present first-past-the-post electoral system is maintained.

With respect to public subsidies, minor party representatives were divided. The Reform Party, Mr. Sid Green of the Progressive Party and several Libertarian intervenors asked that all subsidies to candidates and parties be eliminated. On the other side Mr. Knutson of the Confederation of Regions Party recommended that there be annual funding for new federal parties along the lines of the support provided in New Brunswick. The Taddle Creek Greens recommended that parties be reimbursed \$2.50 for every vote they receive in a federal election with no minimum number of votes required. This formula would have yielded about \$14 million in reimbursement for the Progressive Conservatives in the 1988 election and about \$120,000 for the Green Party.

Mr. Manning of the Reform Party recommended the introduction of a number of instruments of direct democracy to the Canadian system including the use of referenda and plebiscites, the initiative and the right of constituents to recall their MP. He said these were needed to counter the trend to what he called "executive federalism" and unrepresentative decisions by Parliament. Ms. Frisk of the Greens also supported the recall.

Mr. Knutson, for COR, also contended that more should be done to include people in the democratic process. For this purpose he proposed that elections be held on a fixed date, in order to curtail the power of the party to call the election, and that the power of the party whips should be reduced in order to allow for free votes and break up the concept of caucus solidarity.

On registration, Mr. Manning of the Reform Party recommended that the requirement for registration of a new party be changed to allow any party to register if it obtains the signature of 1,000 electors before the election period. He said a larger number of signatures would be acceptable, but wanted to eliminate the uncertainty of a new party not getting a tax credit until it had reached 50 nominated candidates. Mr. Hewison, of the Communists, recommended moving to the Ontario system which requires that a party obtain 10,000 signatures of electors to be registered. This was also the system proposed in Bill C-79.

Mr. Bill Tomlinson, a former Libertarian candidate, objected to the current requirement for a \$200 deposit and recommended that it be made refundable if a candidate submits the required expense returns after the election. The Libertarians fielded 88

candidates in the 1988 election. Ms. Frisk and Ms. Connie Harris, another intervenor for the Greens, strongly objected to proposals that a \$2,000 deposit be required to discourage fringe party candidates. Ms. Frisk also asked that the Elections Act no longer require that a registered party must have a leader, so that the Green Party's practise of naming regional spokespersons but of not having an official leader would be allowed.

Mr. Vezina, for the Greens, recommended that all parties be treated equally under the Act but that the threshold for registration be raised from 50 to 75 nominated candidates. Mr. de Jong made a similar proposal but recommended that the requirement be 100 candidates. The Party nationaliste recommended that a regional party be recognised if it presented candidates in 15% of the ridings in a particular region. It also suggested that minor parties be represented on the Standing Committee on Privileges and Elections of the House of Commons, and that a decision to deregister a party should only be made by this committee.

Related issues:

Intervenors from minor parties commented on a large number of the issues before the Commission. The issues most closely related to minor party status are advertising and free time, broadcasting issues, public funding issues, tax credit and related issues, electoral system: general issues, interest and advocacy group issues, election law and enforcement, party finance and controls, regulation of political parties, and spending and accounting issues.

Intervenors:

Mr. Bob Roth (Ottawa, March 12)

Confederation of Regions Party of New Brunswick (Fredericton, March 19)

Mr. David Crawford, former candidate for the Libertarian Party (Victoria, March 26)

Mr. George Jenkins, Socialist Party of Canada (Victoria, March 26)

Ms. Kathryn Cholette & Mr. Steve Kisby, Green Party of Canada (Vancouver, March 27)

Mr. Bill Tomlinson, Libertarian Party of Canada (Vancouver, March 27)

Mr. Allan Garneau and Ms. Rita Waenink, Christian Heritage Party (Vancouver, March 27)

Mr. Sylvain Auclair, Green Party (Montreal, April 10)

Mr. Clancy Smith, Manitoba Libertarian Association (Winnipeg, April 19)

Professor Louise Quesnel, Political Scientist (Quebec City, April 30)

Mr. George Hewison, Communist Party of Canada (Toronto, May 8)

Mr. Dennis Corrigan, Libertarian Party of Canada (Toronto, May 8)

Professor Peter Desbarats (London, May 10)

Representatives of the Green Party (London, May 10)

Ms. Trudy Frisk, Green Party of Canada, B.C./Yukon Region (Kamloops, May 15)

Ms. Connie Harris, Green Party (Kamloops, May 15)

Mr. Ted Maskell, Reform Party (Kamloops, May 15)

Vancouver Libertarian Association (Vancouver, May 17)

Mr. Gerald Kirby, New Populist Party of B.C. (Vancouver, May 17)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22; Edmonton, May 23)

Mr. Elmer Knutson, Confederation of Regions Party (Calgary, May 22)

Mr. Sid Green, Progressive Party of Manitoba (Winnipeg, May 29)

Mr. Gregory Vezina, former Green Party candidate (Toronto, May 30)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Mr. Simon de Jong, MP, (Ottawa, June 12)

Mr. Jim Harris, Taddle Creek Greens (Ottawa, June 12)

Mr. Michael McEwen, Canadian Broadcasting Corporation (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

26. OPINION POLLS

Key issues:

- * Should the publication of opinion polls related to the election be banned during election campaigns or blacked out for part of the campaign?
- * Should the media be required to publish methodological information about each election poll whenever they publish its results during an election campaign?
- * Should polling firms be required to make methodological information available to the public or to Elections Canada about election polls that are made public during an election period?
- * Should the publication of exit polls taken on election day be banned?

Background:

At the Commission hearings, Mr. Michael Adams, Environics, reported that there were 26 opinion polls published during the 1988 campaign compared with 11 in the 1984 campaign.

There is no organized form of self-regulation among opinion polling firms in Canada and no regulation of opinion polls in the Elections Act or in other federal legislation. At the provincial level, British Columbia did make it illegal to publish election polls for a number of years - one way the gap was filled was the so-called "hamburger polls" based on how many "Barrettburgers" and "Bennettburgers" were sold through a chain of Vancouver restaurants.

Bill C-79 proposed requiring the news media to give detailed information about any opinion poll they publish or report during an election period. This would include details of who conducted the enquiry, who paid, the sample size, dates people were questioned, the margin of error, and the precise questions asked. It proposed a \$25,000 penalty for failure to comply.

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- * This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

Publication:

- Ban the publication of opinion polls dealing with the election during federal election campaigns;
- With a fixed date for elections, ban the publication of polls for 90 days before election day;
- Black-out the publication of opinion polls during the last part of the election period;
- Black-out polls for the last 24 or 48 hours of the campaign;
- Ban the publication of exit polls, taken at polling stations on election day, until the polls close;
- Do not limit the publication of opinion polls;

Standards:

- Require the news media to publish detailed information about any election opinion poll they publish or report during an election period, as proposed in Bill C-79;
- Require that polling organizations make detailed methodological information available to the public about any election opinion poll they release to the press or public during an election period;
- Require that methodological information be transmitted to Elections Canada or to a Commission on Polls at the time that any election poll is published or made public during an election period;
- Rely on self-regulation by polling firms to adhere to professional standards in their election polling;
- Establish a Commission on Polls independent of Elections Canada to seek to ensure the quality of opinion polls published during the election period;

- Take no action with respect to the quality of election polls published during federal elections or the methodology used;

Other:

- Count the cost of polling by the parties as an election expense rather than making it exempt.

Comments and proposals:

The issue of regulating opinion polls during election periods drew substantial comment at the hearings, with intervenors favouring some form of ban or restriction on polls being published, by a margin of four to three. Those seeking some form of restriction included six Liberal intervenors, three NDP, former Ontario PC Leader Larry Grossman, and the Prince Edward Island Progressive Conservatives.

Polling firms, broadcasters and journalists formed the bulk of the opposition to any restriction, but this group also included professors Vincent Lemieux and Guy Lachapelle, the Calgary Chamber of Commerce, and former NDP MP Cyril Keeper.

The Calgary Chamber and Professor Guy Lachapelle favoured the provisions of Bill C-79 requiring that detailed information about methodology be published whenever the news media report on an election poll during a campaign. Several broadcasters opposed the proposal, but there was little comment on this idea from those intervenors who sought a ban or partial black-out on election polls.

The arguments offered for restriction were that polls could be biased or erroneous, that they could unfairly influence the election or have a bandwagon effect, that they were used irresponsibly by the press and tended to dominate election news coverage, and that voters needed a period of reflection before polling day free from the interference of polling results.

Mr. Grossman, who supported a ban on polls being published during elections, said that polls were not a constructive part of the electoral system, and they had dramatically hurt his ability to carry out a campaign in 1987. Instead of talking about issues, the only issue that interested the media was why the Conservatives were in third place and what they were going to do about it.

Of those favouring restriction, about 40% favoured a ban on the publication of polls at election periods and 40% favoured a black-out on polls for the last two weeks of the campaign.

Those opposing restrictions on polls included the polling firms Sorecom, Angus Reid, Environics, the Gallup organization, Omnifacts, and the CBC in its role both as broadcaster and as sponsor of its own poll.

They based their arguments on the rights of free speech and contended that it was just as right to publish opinion polls as it was for journalists to report on the public mood at elections.

Intervenors for the polling firms contended that there is no evidence of a bandwagon effect, and that the influence of polls on election results is unpredictable or not proven. They contended that if the publication of election polls were banned in Canada, there would be no way to shut out polls being published into the U.S. and distributed or broadcast into Canada; there would also be an increase in release of leaked polls by the parties for which no methodological information would be available.

The polling firms argued that publication of polls encouraged strategic voting, gave voters more information and allowed them better understanding of the dynamics of what was happening in the campaign. Moreover, they contended, most people believe that other people are influenced by polls, but say that they are not influenced themselves.

The polling firms generally supported a ban on exit polls being published before the polls close on election day, and expressed some support for a short black-out on publication of polls just before polling day.

Mr. Reid rejected the proposals of Bill C-79 requiring the publication of detailed information about each poll when it was published and said this would be unfair to the electronic media compared to newspapers. He said there were tremendous marketplace pressures on polling firms to be objective and accurate, so that it was not necessary to address the issue by regulation.

The Gallup representative said his firm already makes information on methodology public with each political poll that it releases and through depositing the result with the National Archives. Ms. Gloria Robbins, of Omnifacts Research in Newfoundland, proposed that firms responsible for polls that are published should be required to provide sufficient information

about the methodology, sampling, client, etc., to allow the credibility of the survey to be assessed.

Professor Guy Lachapelle proposed that the publication of polls be regulated during election periods, along the lines of Bill C-79, but not be banned. An independent Commission on Polls should be established, similar to one operating in France, to monitor the quality of polls published during an election period. Its aim would not be to censor polls, but to ensure that their information was reliable.

Polls are currently not required to be declared as an election expense by a political party or candidate. Ms. Marjaleena Repo, of Citizens Concerned about Free Trade, suggested that fewer polls would be done if their publication were banned, and if the cost of polling were to be counted as an election expense for the parties.

Related issues:

Related issues include the area of broadcasting issues, civil rights and political rights, interest and advocacy group issues, and spending and accounting issues.

Intervenors:

In favour of restricting the publication of election polls:

Mr. Steeves, Moncton Chamber of Commerce (Moncton, March 20)

Ms. Whitaker, PEI NDP (Charlottetown, March 21)

PEI Liberals (Charlottetown, March 21)

PEI PC Riding Associations (Charlottetown, March 21)

Mr. Paul McKivett, Saanich-Gulf Islands Liberal Association (Victoria, March 26)

BC Liberal Party (Vancouver, March 27)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Ms. Marjaleena Repo, Citizens Concerned About Free Trade (Saskatoon, April 17)

Professors Howard Leesen, Ray Sentes, Lorne Brown, Gerry Sperling and Dan de Vlieger (Regina, April 18)

Association of Rural Municipalities (Regina, April 18)

Mr. Jerry Herman (Regina, April 18)

Mr. Bertrand Tremblay, citizen (Chicoutimi, May 1)

Mr. Larry Grossman, former leader, Ontario PC Party (May 8)

Sudbury Provincial NDP (Sudbury, May 9)

Mr. Atul Kapur, London West NDP (London, May 10)

Mr. Don Cameron, citizen (Kamloops, May 15)

Mr. Andrey Lasichuk, citizen (Vancouver, May 17)

Mr. Elmer Knutson, leader, Confederation of Regions Party
(Calgary, May 22)

Liberal Party of Canada in Alberta (Calgary, May 22)

Mr. Ted Murphy and Mr. Renald Guay, citizens (Winnipeg, May 29)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Nova Scotia Liberals (Halifax, June 4)

Ms. Maybelle Durkin, Canadian Home and School and Parent-Teacher
Federation (Ottawa, June 11)

Opposed to restricting the publication of election polls:

Mr. Soucy Gagné, Sorecom (Montreal, April 9)

Mr. Angus Reid (Winnipeg, April 19)

Mr. Richard Whidden, PC Riding Association (Thompson, April 20)

Professor Vincent Lemieux (Quebec, April 30)

Fédération professionnelle des journalistes du Québec (Quebec,
April 20)

Association canadienne de la radio et de la télévision de langue
française (Quebec, April 20)

Local broadcasting stations (Chicoutimi, May 1)

Mr. Michael Adams, Environics Research Group (Toronto, May 8)

Calgary Chamber of Commerce (Calgary, May 22)

Mr. Cyril Keeper, former MP (Winnipeg, May 29)

Gallup Canada Inc. (Toronto, May 30)

Mr. Colin Williams, Concerned Citizens for Civic Affairs in North York (Toronto, May 31)

Mr. Randy Simms, Radio station VOCM (St. John's, June 6)

Ms. Gloria Robbins, Omnifacts Research Limited (St. John's, June 6)

Professor Guy Lachapelle, Concordia University (Ottawa, June 13)

Mr. Michael McEwen, Canadian Broadcasting Corporation (Ottawa, June 13)

Other intervenors:

Mr. Don Ferguson, former NDP candidate (Calgary, May 22)

Mr. A.J. Moreau, citizen (Winnipeg, May 29)

Mr. Howard Crosby, MP (Halifax, June 4)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

27. PARTY FINANCE AND CONTROLS

Key Issues:

- * Should the system of "financement populaire" used in Quebec be adopted at the federal level in Canada?
- * Should ceilings be set on political contributions to federal parties and candidates?
- * Should different rules be applied to donations to local and to national campaigns?
- * Should different rules be applied to donations from corporations or from business and to donations from individuals?
- * Should the rules for disclosure of political contributions be altered to make information more readily available or to raise disclosure levels in line with inflation?

Background:

The Elections Act limits the amount that a national party or local candidate may spend during an election campaign and requires disclosure of all contributions of over \$100 to a party or candidate. In the case of a candidate, a return identifying contributors must be filed within four months of the election. In practise, the identity of the ultimate donor may not be disclosed if funds are transferred to a local campaign from a local riding association.

The Act has no special rules to distinguish between corporate, trade union, or individual donations, nor does it set a ceiling on the size of contributions to a candidate or party.

A number of provinces including Ontario, New Brunswick, and Alberta limit the size of contributions to parties and candidates but do not otherwise restrict contributions from corporations

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Financement populaire:

Some 75 intervenors commented on the question of adopting the Quebec model of financement populaire or on its concepts of limiting contributions and barring corporate and union political donations. They opposed the concept by a margin of three to two, but opinions diverged between intervenors from the parties and those from other groups and the public at large. Intervenors from the public favoured financement populaire by a four to three margin, while opinion within the three parties ran about three to one against.

Mr. François Gérin, the Conservative (now independent) MP who has championed financement populaire, drew the support of one other Conservative intervenor, MP Lise Bourgault. In general, Conservative intervenors divided six to one against financement populaire; NDP intervenors were four to one against and Liberal intervenors were equally split.

Mr. Gérin defended the concept of financement populaire on the grounds that it would reduce the influence of "bagmen" on politics, and help to decentralize the parties and give control back to their members and to their electors. The parties would communicate more with their members and be more responsive if they were more directly dependent on individuals for contributions. If needed, it would take just \$1 per voter in public funding to make up for contributions that would be lost through financement populaire.

Other intervenors based their support for the concept on general concerns about undue corporate influence or control over politics, on the need to "clean up" Canadian politics, and on a concern that Canada not allow its politics to become like the U.S.

Some intervenors said it would be easier to justify restricting corporate and union support for advocacy groups at election time if they were restricted from contributing to the parties. Some women intervenors advocated financement populaire as one means of making politics less inaccessible to women. A Liberal intervenor from Quebec (Mr. J.-P. Roy) suggested that any limit on the size of donations would be unenforceable if corporate donations were permitted.

Some intervenors who opposed financement populaire favoured the idea of ceilings on political contributions, while others wanted no limits at all. A number of intervenors favoured the concept of barring corporate donations at the local level, but did not want it applied nationally.

or unions. Quebec has gone further; under its program of financement populaire, provincial parties and candidates are not permitted to receive corporate or union donations, and the maximum individual donation to a party in a year is \$3,000. Quebec also provides public funding to the parties each year on the basis of 25 cents for each vote they received in the previous election.

Suggested alternatives:

Corporate and union donations:

- Adopt the Quebec model of financement populaire, i.e., ban corporate and union donations to federal parties and candidates and set a modest ceiling on individual donations;
- Adopt financement populaire for local campaigns but not for the national parties;
- Bar contributions by foreign corporations and individuals;
- Require union political donations to be approved by the membership, and corporate political donations to be approved by the shareholders;
- Allow union members to direct which party should receive their share of any political contribution to be made by their union;
- Require corporate political donations to be identified with the name of the officer who authorized the donation;
- Have no rules on the source or size of donations to political parties or candidates;

Contribution limits:

- Limit contributions to local and national campaigns to a common ceiling, both for individual and for corporate and union donations;
- Allow a higher limit for donations to national parties than for those to local candidates;

- Allow/do not allow subsidiaries, as well as their parent company, to make a political donation;
- Allow/do not allow trade union locals, as well as their parent union, to make a political donation;

Disclosure:

- Make the disclosure of political contributions more informative and timely;
- Raise the limit for disclosure of political contributions from \$100 to \$250;
- Limit donations to a maximum of \$1,000 but do not disclose the identity of any contributor;
- Require campaigns to make weekly reports on their spending and their contributors;

Other proposals:

- Require some proportion of political donations to be placed in a special fund to represent the interests of low-income Canadians;
- Require that unions and corporations contribute to all parties or to none;
- Require that all contributions go in a common pot and be divided equally among all candidates;
- Bar political contributions by non-Canadian corporations and individuals.

Comments and proposals:

The question of party finance and controls drew more comment than any other issue at the Commission's hearings. Intervenors focused on the question of what kind of limits, if any, should be placed on contributions to political parties and candidates, but also discussed such issues as disclosure and what spending limits should be applied locally and nationally. The question of spending limits and of what constitutes an expense is dealt with in a separate summary.

On the opposing side, intervenors from business questioned the contradiction between being asked to be good corporate citizens, but not being allowed to participate politically. Some intervenors suggested that because corporations pay tax, they should be allowed to play a role in the political system.

It was suggested that regulation of party finance is not needed at all or that if applied, it tends to favour incumbents over challengers. Professor William Christian suggested that the current level of corporate donations does not constitute a danger, but advocated setting a \$10,000 limit on contributions to counter the perception that there may be problems. Professor Patrice Garant suggested that a limit on corporate donations would probably be acceptable under the Charter, but not a ban.

The Canadian Labour Congress suggested that a ban on corporate donations would probably be unenforceable and favoured disclosure and spending limits. The Montreal Chamber of Commerce raised a similar concern, warning that financement populaire could lead to secret or underground donations to the parties. Professor Harold Angell, of Concordia University, elaborated this argument and contended that Quebec no longer has a true form of financement populaire because of the high proportion of fundraising by the governing Liberals, using social events which bring together cabinet ministers and people from business.

From the parties, Senator Atkins and others suggested that financement populaire would not raise the funds needed for modern political parties to operate. If it were brought in, some form of public funding for the parties would also be needed. Former MP, Raymond Garneau, made the same point. Ms. Denise Falardeau, a national PC Party vice-president, said her survey of the Quebec PC ridings showed that 80% no longer supported the concept of financement populaire because it has not been successful enough in practise. These same ridings had endorsed the concept in the summer of 1988, and many had tried to raise their campaign funds that year on the basis of popular financing. Ms. Falardeau recommended that limits on contributions be maintained, but that donations from business not be barred.

Mr. Francis Fox of the Liberal Party in Quebec and Mr. Larry Grossman, former leader of the Ontario PCs, asked how parties could raise funds to wipe out their debt, if they were restricted by the rules of some form of financement populaire. The NDP's main concern was that a restriction on corporate donation cannot be enforced. The Hull-Aylmer NDP offered its own version of financement populaire, under which corporate donations would be permitted, but not attract the same public subsidy as individual donations.

Contribution limits:

There was much stronger and more consistent support for setting limits on political contributions than for the full concept of popular financing. Some 50 intervenors commented on the concept with the margin in favour about four to one; it was roughly the same among the political parties and the public at large. This does not count those intervenors who supported limits on contributions as part of the concept of financement populaire.

Of those intervenors who commented, the favoured ceiling for contributions was \$5,000 with some support for a \$3,000 ceiling and some for a ceiling of \$1,000. Mr. Fox, for the Quebec Liberals, suggested that no corporate donations be allowed locally and that the limit nationally be \$50,000. Ms. Falardeau asked that small business be able to make contributions locally and suggested a ceiling on donations of \$1,000 locally and \$20,000 nationally. Other suggestions were also for a limit, in the \$20,000 range, on contributions to national parties.

A number of intervenors raised concern about foreign influence on Canadian politics and recommended that no foreign contribution to a party or candidate be allowed. The Regina-Wascana PCs was one of several intervenors suggesting that a vote of union members or of shareholders be required to authorise a political donation by a union or company.

The \$100 limit for disclosure of political contributions was set in 1974, since which time inflation has tripled nominal money values. Mr. Robert Gabor, a PC legal counsel in Manitoba, and the Etobicoke Centre PCs recommended a new threshold for discussion of \$250, while Mr. Jean-Pierre Roy, a former Liberal official agent in Quebec, suggested doing away with the disclosure of donations because of insinuations of influence by journalists. Instead, he suggested a maximum of \$1,000 be set on contributions.

The fédération professionnelle des journalistes du Québec criticised the present federal law on disclosure of political donations, because it does not require disclosure of the address of contributors and because it allows major donors to hide behind anonymous companies. To resolve this issue, it recommended that corporate contributions be banned.

Other proposals:

The suggestion that some portion of political contributions be set aside to help represent low-income Canadians was made by the Christian Resource Centre of Toronto. Mr. Brad McIsaac of

the United Mine Workers in Cape Breton recommended that union members be able to designate which party their share of any political contribution made by their union should go to.

Related issues:

The issue of party finance is closely related to the issues of local riding finance and organization, to public funding issues and tax credit and related issues, to interest and advocacy group issues and to spending and accounting issues.

Major intervenors:

For financement populaire:

Mr. François Gérin, MP (Ottawa, March 12)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Professor Vincent Lemieux, Laval University (Quebec City, April 30)

Mr. Harold Johnson, accountant (Calgary, May 22)

Not in favour of financement populaire:

Senator Norman Atkins (Ottawa, March 13)

Professor Harold Angell, Concordia University (Montreal, April 9)

Ms. Denise Falardeau, citizen (Chicoutimi, May 1)

Mr. James V. Bubba, Sudbury PC Association, Ontario (Sudbury, May 9)

Mr. Mort Glanville, London West PC Association (London, May 10)

Mr. Ted Carruthers, Alberta Federal PC Party (Calgary, May 22)

Mr. Robert Dupuis, NDP Association of Hull-Aylmer (Ottawa, June 11)

Other

Calgary Chamber of Commerce (Calgary, May 22)

Other intervenors:

For financement populaire:

Mr. Marc Assad, MP (Ottawa, March 12)

Confederation of Regions Party of New Brunswick (Fredericton, March 19)

Mr. Alonzo LeBlanc, Société des Acadiens et Acadiennes de Shediac (Moncton, March 20)

Ms. Kathryn Cholette, Mr. Steve Kisby, Mr. Richard Bidwell, Green Party of Canada (Vancouver, March 27)

Mr. Ed Dugaro, citizen (Vancouver, March 27)

Confederation des syndicats nationaux (CSN) (Montreal, April 9)

Mr. Jean-Pierre Roy, PLQ (Montreal, April 9)

Mr. Léo Hudon, Senior Citizens' Forum of Montreal (Montreal, April 9)

Mme Lise Bourgault, MP (Montreal, April 10)

Ms. Marjaleena Repo, Citizens Concerned About Free Trade (Saskatoon, April 17)

Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry Sperling and Dan de Vlieger (Regina, April 18)

Mr. Pierre-F. Côté, CEO (Quebec City, April 30)

Fédération professionnelle des journalistes du Québec (Quebec City, April 20)

Mr. André Marois, RO, Megantic-Compton-Stanstead (Quebec City, April 30)

Mr. Fern Coulombe, citizen (Chicoutimi, May 1)

Mr. Bernard Nayman, citizen (Toronto, May 7)

Mr. John Rodriguez, MP (Sudbury, May 9)

Mr. Don Ferguson, former NDP candidate in Lethbridge (Calgary, May 22)

Mr. Burt Moddejonge, Liberal Party (Calgary, May 22)

Ms. Sara Johnson, citizen (Edmonton, May 23)

Mr. Charles Caccia, MP (Toronto, May 30)

Mr. Colin Williams, Concerned Citizens for Civic Affairs in North York (Toronto, May 31)

Ms. Debi Forsyth-Smith, Nova Scotia Advisory Council on the Status of Women (Halifax, June 4)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Mr. Simon de Jong, MP (Ottawa, June 12)

Mr. John Manley, MP (Ottawa, June 13)

Ms. Alice Basarke and Mr. Attar Chawla, World Sikh Organization of Canada (Ottawa, June 13)

Not in favour of financement populaire:

Professors Kristian and Filip Palda (Ottawa, March 13)

New Democratic Party (Ottawa, March 12)

Canadian Labour Congress (Ottawa, March 13)

Len Hopkins, MP (Ottawa, March 13)

New Brunswick NDP (Fredericton, March 19)

Moncton Chamber of Commerce (Moncton, March 20)

Mr. Gordon Campell, PEI Liberal Party (Charlottetown, March 21)

PEI PC Riding Associations (Charlottetown, March 21)

Mr. Sandy MacKay, P.E.I. Federation of Labour (Charlottetown, March 21)

Victoria Labour Council (Victoria, March 26)

Mr. Francis Fox, Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Mr. Raymond Garneau, former MP (Montreal, April 10)

Mr. Jacques Ménard, Chamber of Commerce, Greater Montreal (Montreal, April 10)

Ms. Madge McKillop, PC Association for Saskatoon-Clark's Crossing (Saskatoon, April 17)

Mr. Keith Lampard, CEO, Saskatchewan (Regina, April 18)

Mr. Fred Yeo, Regina-Wascana PC Riding Association (Regina, April 18)

Saskatchewan NDP (Regina, April 18)

Mr. Ed Whelan (Regina, April 18)

Mr. Gary Brazzell, lawyer (Winnipeg, April 19)

Professor Patrice Garant (Quebec City, 30)

Professor William Christian, University of Guelph (Toronto, May 7)

Mr. Larry Grossman, former leader of Ontario PC Party (Toronto, May 8)

Mr. Dennis Corrigan, Libertarian Party of Canada (Toronto, May 8)

Ms. Marie Marchand, former PC candidate (Toronto, May 8)

Mr. Ward Skinner, Official Agent (Sudbury, May 9)

Sudbury Provincial NDP (Sudbury, May 9)

Mr. Graham McDonald, Yukon NDP (Whitehorse, May 14)

Mr. Richard Blair (Kamloops, May 15)

Ms. Audrey Bath and Mr. Winston Gereluk, Alberta Federation of Labour (Edmonton, May 23)

Mr. Grant S. Holmes, Wardrop Engineering (Winnipeg, May 29)

Mr. Ted Murphy, Mr. Renald Guay, citizens (Winnipeg, May 29)

Institute for Political Involvement (Toronto, May 30)

Mr. John McElwain and Mr. Douglas Robson, Etobicoke Centre PC Association (Toronto, May 31)

Mr. Brian Harling, Ontario NDP (Toronto, May 31)

Mr. Douglas Maund, Wellington-Grey-Dufferin-Simcoe PC Riding Association (Toronto, May 31)

Nova Scotia Liberal Association (Halifax, June 4)

Other:

Ms. Claudy Mailly, former MP, Gatineau (Ottawa, March 13)

Professor Gary Hughes (Fredericton, March 19)

Mr. David Crawford, former candidate, Libertarian Party
(Victoria, March 26)

Professor William Stanbury (Vancouver, March 27)

British Columbia Civil Liberties Association (Vancouver,
March 27)

Mr. Frank Quennell, Saskatoon lawyer (Saskatoon, April 17)

Mr. Chris Axworthy, MP (Saskatoon, April 17)

Mr. Fred Curths, Voice of the Handicapped (Saskatoon, April 17)

Mr. Robert Gabor (Winnipeg, April 19)

Mr. Robert Wall (Thompson, April 20)

Mr. Ken Collin (Thompson, April 20)

The Commission on Election Expenses (Toronto, May 7)

The National Citizens Coalition (Toronto, May 8)

Mr. George Hewison, Communist Party of Canada (Toronto, May 8)

Committee for 94 (Toronto, May 8)

Mr. Tim Preston and Mr. Michael Lauer, Yukon PC Association
(Whitehorse, May 14)

Mr. Don Cameron, citizen (Kamloops, May 15)

Mr. John Lakes, PC Riding Association, Capilano-Howe Sound
(Vancouver, May 17)

Vancouver Libertarian Association (Vancouver, May 17)

Mr. Gerald Kerby, New Populist Party of B.C. (Vancouver, May 17)

Mr. Preston Manning, leader of the Reform Party (Edmonton,
May 22)

Mr. Jim Crowell, Edmonton East NDP (Edmonton, May 23)

Mr. Stephen Whipp, Western Arctic NDP (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Mr. Don Scott, consultant and former Manitoba MLA (Yellowknife, May 24)

Mr. Terry Stratton, election volunteer (Winnipeg, May 29)

Mr. Sid Green, Progressive Party of Manitoba (Winnipeg, May 29)

Canadian Institute for Chartered Accountants (Toronto, May 30)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Mr. Harry Katz, for five PC Riding Associations (Toronto, May 30)

Reformed Christian Business and Professionals Organization (Toronto, May 30)

Ms. Rita Ubriaco (Toronto, May 30)

Mr. Richard Wattam, citizen (Toronto, May 30)

Mr. Michael Coyle, Nova Scotia NDP (Halifax, June 4)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Francis LeBlanc, MP (Sydney, June 5)

Mr. Brad McIsaac, United Mine Workers (Sydney, June 5)

Mr. Dermot Whelan, CEO of Newfoundland (St. John's, June 6)

Mr. Stephen Delaney, President, PC Association of Newfoundland and Labrador (St. John's, June 6)

Mr. Norman Whalen, Liberal Party of Newfoundland and Labrador (St. John's, June 6)

Mr. John Jennings, Canadian Bar Association (Ottawa, June 11)

Dr. Chantal Maillé, Fédération des femmes du Québec (Ottawa, June 11)

Mr. W.M. Kaepfner, citizen (Ottawa, June 11)

Dr. Jean Cottam, citizen (Ottawa, June 13)

Dr. Rey Pagtakhan, MP (Ottawa, June 11)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

28. LEADERSHIP CAMPAIGNS

Key issues:

- * Should leadership campaigns for the federal parties be regulated under the Elections Act?
- * Should a ceiling be set on leadership campaign expenses and should donations to leadership campaigns be disclosed?
- * Should tax credits be allowed on contributions to leadership campaigns for the federal parties?
- * Should non-citizens or people too young to vote federally be allowed to be delegates to leadership conventions or to vote in selecting delegates?

Background:

At present, there is no regulation of leadership campaigns in federal election law. The process is governed entirely by the political parties, albeit under scrutiny from the press, and each party's practices are different.

In recent leadership conventions, all three major parties have allowed members to take part in delegate selection, or to be delegates who were not eligible to be electors because they were under 18 or not Canadian citizens.

Tax credits are not allowed on donations made directly to leadership campaigns. However, credits are available on donations made through a registered party and then passed on to the candidate.

At the provincial level, Ontario requires leadership candidates to register and to disclose contributors over \$100, but does not regulate the size or source of donations or the amount of campaign spending.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

- Extend the Elections Act to govern leadership conventions in federal political parties;
- Regulate leadership conventions, but, in return, make tax credits available on donations to leadership campaigns;
- Leave it to the parties to regulate the process of choosing their leaders;
- Enforce a ceiling on candidates' spending in federal leadership campaigns;
- Set a limit on donations to leadership campaigns;
- Require leadership donations over \$100 to be disclosed;
- Require disclosure of donations to leadership campaigns over \$500, and pay tax credits at half the usual rate;
- Have Elections Canada conduct the process of selecting delegates and of running the leadership convention, according to rules drawn up by each party;
- Replace the leadership convention with a more open process such as the PQ or Ontario PC type of every-member vote or a U.S.-style primary.

Comments and proposals:

Intervenors supported the idea of regulating the process of selecting party leaders by a three-to-one margin, but there was no strong pattern in terms of who supported or opposed the idea. Mr. Lloyd Axworthy, MP, and Professors William Stanbury and William Christian made major interventions in favour of the concept, with others in support including MPs Chris Axworthy, John Harvard and Albina Guarnieri.

The argument for regulation was that the present process is open to abuses, that a party leader is a high government official whose decisions affect the country as a whole, and that it would be wrong if vested interests could "buy" a leadership through their contributions. Several intervenors criticised what they felt were abuses or excessive practises with respect to the

Liberal leadership race. Mr. Chris Axworthy, MP, contended that the internal processes of parties must conform to the public desire for openness, because of the crucial role of parties in a democracy.

Those against regulation suggested that it would be unnecessary, or that it might drive contributions underground. Professor Vincent Lemieux warned of excessive regulation and urged the Commission not to endanger its mandate by venturing into the area of regulating leadership campaigns. Very few other countries used legal means to do so, he said. Mr. Preston Manning of the Reform Party criticised parties allowing people to vote in leadership campaigns who would not be eligible electors, but instead of regulation, recommended that the public show its distaste by voting against the party in question.

Professor Stanbury recommended that the rules for leadership races should harmonize with rules governing contributions to the parties and to candidates. He proposed a ceiling of \$5,000 on contributions to leadership campaigns, and suggested that all donations of more than 20 hours of volunteer time be disclosed. He also sought detailed disclosure around sensitive areas such as buying of party memberships for "instant" members, convention expenses of delegates, and contributions to ethnic organizations aimed at getting their support in selecting leadership delegates.

Mr. Lloyd Axworthy, MP, suggested a ceiling of \$500,000 on spending in a leadership campaign, and said that anything beyond that is an abuse. The Nova Scotia Advisory Council on the Status of Women suggested a \$250,000 ceiling, while a group of concerned citizens from North York suggested \$100,000.

Professor Stanbury suggested a \$5,000 limit on donations, while other intervenors recommended that limits set for the parties under the Elections Act should apply. Professor Christian proposed that the rules for disclosure differ from those that apply to campaigns by not applying below \$500, so that most party activists would not be embarrassed by having to reveal whom they had supported. He also suggested that tax credits be offered at half the usual rate for contributions to leadership campaigns. Mr. Serge Joyal of the Quebec federal Liberals suggested that ceilings on contributions would be acceptable if tax credits on leadership donations were available.

Mr. Eric Groody, a Calgary lawyer, suggested that Canada will eventually move to some form of primary process for selecting candidates and leaders for constitutional reasons. Mr. Peter Regenstreif, a public affairs consultant, recommended that Canada move now to give the public a role in choosing leadership delegates in a process very similar to U.S. primaries.

Several intervenors expressed concern over what they felt was the exploitation of people from ethnic communities in the parties' leadership process. They suggested that only citizens aged 18 and over be entitled to vote, and that the period that people have to be members in order to vote for leadership delegates should be extended.

Related issues:

This issue is somewhat related to other issues concerned with party finance, public funding and tax credit and related issues.

Major Intervenor:

Favour regulating leadership campaigns:

Professor William Stanbury (Vancouver, March 27)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Professor William Christian (Toronto, May 7)

Mr. Peter Regenstreif (Toronto, May 8)

Other intervenors:

Favour regulating leadership campaigns:

New Democratic Party (Ottawa, March 12)

The Council of Canadians (Ottawa, March 13)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Fédération professionnelle des journalistes du Québec (Quebec City, April 20)

Mr. Eric Groody (Calgary, May 22)

Calgary Chamber of Commerce (Calgary, May 22)

Mr. Brian Rhiness (Edmonton, May 23)

Professor Agar Adamson (Halifax, June 4)

Nova Scotia Advisory Council on the Status of Women (Halifax, June 4)

Nova Scotia Liberals (Halifax, June 4)

Mr. Simon de Jong, MP (Ottawa, June 12)

Ms. Albina Guarnieri, MP, (Ottawa, June 12)

World Sikh Organization of Canada (Ottawa, June 13)

Mr. John Harvard, MP (Ottawa, June 13)

Opposed to regulating leadership campaigns:

New Brunswick PCP (Fredericton,

Mr. Gary Brazzell, lawyer (Winnipeg, April 19)

Professor Vincent Lemieux (Quebec City, April 30)

The London West NDP (London, May 10)

Reform Party of Canada (Calgary, May 22)

Other:

Mr. Chris Axworthy, MP (Saskatoon, April 17)

Commission on Election Expenses (Toronto, May 7)

Mr. Charles Caccia, MP (Toronto, May 30)

Concerned Citizens for Civic Affairs in North York (Toronto, May 31)

Mr. C. Karayannopoulos and Mr. Peter Dotsikas (Toronto, May 31)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

29. LOCAL RIDING FINANCE AND ORGANIZATION

Key issues:

- * Should constituency associations be registered and required to file annual returns and financial statements?
- * Should constituency associations be allowed to issue tax receipts on contributions between elections, or should this right be reserved for the parties?
- * Should the disposition of any surplus funds from a local constituency election campaign be regulated?

Background:

Unlike political parties, local constituency associations are not required to register or to report under the Elections Act, and their operations and financial affairs are therefore not open to scrutiny. At the same time, they are not entitled to issue tax receipts for political contributions, although local campaigns have this right during election periods.

Some local associations control significant sums which they have raised independently, using their federal party's tax receipt, or which come out of surpluses generated in election campaigns. The Canadian Institute of Chartered Accountants told the Commission that in the 1988 election 723 candidates, or 98% of those entitled to a federal subsidy with respect to their election expenses, had a surplus in their campaign budget after receiving the subsidy. The total surplus was \$9.6 million.

The use of these funds is unregulated, although they are usually passed on to the constituency association or used to defray pre-election expenses.

Bill C-79 proposed registering local associations of registered parties and requiring that they issue receipts for contributions over \$100.

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- * This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

Registration:

- Require that political party constituency associations register and file annual returns with Elections Canada;
- Make the annual returns of donations and of spending by constituency associations public;
- Allow constituency associations to issue tax receipts on political contributions;
- Make registration voluntary, but require it if a constituency association wishes to issue tax receipts;
- Permit sworn statements of revenues and expenditures as an alternative to audited statements;

Surplus funds:

- Require that any surplus campaign funds be transferred to the local constituency association;
- Require that surplus campaign funds be held in trust until the next election;

Campaign finance and subsidies:

- Substantially raise the spending limit on riding campaigns, or remove it entirely;
- Limit campaign spending at the constituency level during the period before an election is called;
- Limit the size of contributions to local campaigns, but remove spending limits;
- Increase the reimbursement of local campaign expenses to 60% or to 75%;
- Reduce the threshold for a local candidate to qualify for reimbursement from 15% of the vote to 10%;

- Reimburse candidates for campaign expenses financed by personal, but not by corporate, donations;

Comments and proposals:

This summary deals with the issues of registration of local constituency associations and the disposition of surplus campaign funds. Although some of the suggested alternatives respecting local campaign finance are noted, these issues are dealt with at length in the summary on party finance and controls.

There was strong support for requiring that local associations register and file annual returns, from intervenors such as MP John Manley, former MPs Lynn McDonald and Cyril Keeper, the Alberta PC Party, Ms. Denise Falardeau, a national vice-president of the PC Party, and the Canadian Institute of Chartered Accountants.

The only dissent to requiring registration came from Mr. David Hector of the CICA, who suggested that registration be required for a constituency association to issue tax receipts, but otherwise be voluntary. The suggestion to allow sworn, rather than audited, statements came from Mr. Lorne Cudmore, an NDP official agent in Prince Edward Island.

The major reason offered for requiring local associations to file returns was that the ridings receive public funds through the tax credit system, or through the reimbursement of election expenses, which are then passed on to the local association. Since they receive public funds, they should be accountable. Mr. Ted Carruthers, of the Alberta PCs, said local associations should be registered because parties are in business twelve months a year, not just at elections.

Ms. Lynn McDonald, former MP for Broadview-Greenwood, added the concern that very heavy pre-election spending, such as occurred in her riding prior to the 1988 election, is not subject to public scrutiny if there is no disclosure of the operations of local associations.

Mr. Bernard Nayman, an auditor for NDP campaigns in Ontario, suggested that the financial activities of constituency associations during an election period be reported at the same time that candidates report their election expenses. Ontario has required that local associations be registered since 1975, he said, and there have been no problems.

A smaller group of intervenors, including MP Scott Thorkelson, the Hull-Aylmer NDP, and Ontario's Commission on Election Expenses, recommended that local associations be permitted to issue tax receipts for political contributions made between elections.

Former MP Cyril Keeper commented that this was needed to reverse the increasing centralization of party finance, and Mr. Thorkelson said that it would avoid local associations being "taxed" by the central party taking a proportion of any political donation to the constituency. Mr. Robert Wall, a PC fundraiser in Churchill riding, also supported the change. He said that every time he gave a contributor's name to the PC Canada Fund, so that they could receive a tax receipt, he lost a donor because the person was then bombarded with appeals for funds from the national party.

The Regina-Wascana PC Association recommended that all surplus campaign funds be transferred to the local constituency association. The Alberta Liberals suggested that these funds be held in trust for the next election campaign, or that rules be written to make the use of these funds for pre-writ expenses or for other purposes, accountable.

With respect to campaign finance, a number of MPs and former candidates questioned the present spending limits on constituency campaigns, including the PC association for Etobicoke Centre. This was a particular concern in Nova Scotia. MP Pat Nowlan said the five provincial constituencies within his federal riding had a combined spending limit of over \$170,000 compared with the federal limit on campaign spending of \$48,000 for the same area. The provincial limits were too high, he said, but the federal ceiling was far too low.

MP Francis LeBlanc put forward similar figures. In his riding in Cape Breton, the federal spending limit was about \$50,000, while the limit on the six provincial ridings was about \$175,000. He recommended a 25% increase in the federal ceiling.

Local campaign finance and subsidy issues are dealt with in greater detail in the summary on party finance and controls.

Related issues:

Questions of local constituency associations are closely related to party finance and controls and to spending and accounting issues; also to official agent issues, public funding and tax credit issues, regulation of political parties and the nomination of candidates.

Major intervenors:

Ms. Lynn McDonald, former MP (Toronto, May 7)

Mr. Ted Carruthers, Alberta Federal PC Party (Calgary, May 22)

Canadian Institute for Chartered Accountants (Toronto, May 30)

Mr. Robert Dupuis, NDP Association of Hull-Aylmer (Ottawa, June 11)

Other intervenors:

Professors Kristian and Filip Palda (Ottawa, March 13)

Mr. Scott Thorkelson, MP (Ottawa, March 12)

Mr. Lorne Cudmore, Official Agent (Charlottetown, March 21)

Mr. Fred Yeo, PC Riding Association (Regina, April 18)

Ms. Denise Falardeau, citizen (Chicoutimi, May 1)

Mr. Bernard Nayman, accountant (Toronto, May 7)

The Commission on Election Expenses (Toronto, May 7)

Mrs. Gwen Landolt, R.E.A.L. Women (Toronto, May 7)

Mr. James V. Bubba, Sudbury PC Association (Ontario) (Sudbury, May 9)

Mr. John DeDiana, former PC candidate (Sudbury, May 9)

Mr. Gordon Hoffman, Kamloops Federal Liberal Association (Kamloops, May 15)

Ms. Patricia Spencer, Liberal Party of Canada in Alberta (Edmonton, May 23)

Mr. Cyril Keeper, former MP (Winnipeg, May 29)

Etobicoke Centre PC Association (Toronto, May 31)

Mr. Patrick Nowlan, MP (Halifax, June 4)

Mr. Dennis James, Cumberland-Colchester Liberal Association (Halifax, June 4)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Francis LeBlanc, MP (Sydney, June 5)

Dr. Chantal Maillé, Fédération des femmes du Québec (Ottawa, June 11)

Mr. James Roots, Canadian Association of the Deaf (Ottawa, June 12)

Mr. John Manley, MP (Ottawa, June 13)

Mr. Michael Martin and Ms. Melissa Coleman, NDP (Ottawa, June 13)

Ms. Kathryn Cholette, Mr. Steve Kisby, Mr. Richard Bidwell, Green Party of Canada (Vancouver, March 27)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

30. NOMINATION OF CANDIDATES

Key issues:

- * Should contests for federal nominations at the riding level be regulated under the Elections Act?
- * Should contributions and spending on nomination campaigns for federal elections be regulated or be disclosed?
- * Should there be tax credits or some form of public funding to assist with the cost of nomination campaigns for federal elections?
- * Should non-citizens, people from other ridings or people under 18 be allowed to vote at nomination meetings for federal candidates?
- * Should federal parties in Canada select candidates through some form of primary system?

Background:

Section 23 of the Elections Act sets out the legal requirements for nomination of candidates but makes no reference to the process of nomination by the political parties.

To be nominated, a candidate must be a qualified elector; must have a nomination form signed by 25 qualified electors; must have these signatures sworn to under oath and must pay a deposit of \$200. The candidate must also be endorsed by the leader of his or her party if the party's name is to appear on the ballot. There is no other reference to political parties in relation to the nomination process. Under the present Act, candidates must be nominated by the 28th day before election day.

The general practise in Canadian political parties is to hold nomination meetings in each riding at which members of the constituency association choose the candidate. These members are not necessarily residents in the riding and in a contested

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- * This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

nomination, many will have been newly signed by one or other of the contending candidates. People are normally required to have been riding association members for 30 or 60 days in order to vote at a nomination meeting.

Constituency associations and their members play a relatively strong role in the nomination process. Efforts by parties to impose a candidate, even a "star" candidate, are often resisted.

Bill C-79 proposed eliminating the restrictions that prevent provincial MPPs and MNAs, sheriffs and court officials, persons under contract to the government, and people appointed to government posts or offices from standing as candidates. It proposed raising the required number of signatures for nomination from 25 to 100 and raising the deposit to \$500, but reimbursing it if a candidate files the required return of election expenses. The deposit is now refunded only if the candidate receives 15% of the vote.

Suggested alternatives:

- Bring federal party nominations under the Elections Act;
- Have the returning officer in each riding supervise nomination meetings or conduct the actual meeting and regulate any disputes;
- Keep the nomination process in the hands of the parties and their constituency associations;
- Replace the traditional nomination meeting with an election process designed to allow more party members to take part in choosing their candidate;
- Hold U.S.-style primary elections to choose federal candidates for each party;
- Set limits on spending for nomination campaigns and for the size of contributions and require disclosure as in the Elections Act;
- Provide public funding for the costs of nomination campaigns through tax credits or reimbursement of some expenses;

- Restrict voting at nomination meetings to people qualified to vote in a federal election;
- Allow non-citizens to vote at nomination meetings for federal candidates;
- Prevent people from voting in more than one nomination meeting at any federal election, or allow only residents of a riding to vote in selecting its candidate;
- Lengthen the period of membership required to vote at a nomination meeting to reduce packing of meetings with "instant" members;
- Allow candidates to be identified on the ballot with their party name on the endorsement of their riding president, rather than their party leader;
- Make nomination abuses subject to severe legal sanctions;
- Require or encourage the parties to carry out affirmative action programs to increase their proportion of women and minority candidates;
- Allow signatures on nomination forms to be submitted to the returning officer by facsimile in remote and northern ridings;
- In northern ridings, designate government officials or other individuals to receive nomination papers in communities distant from the returning office;
- Increase the number of signatures of electors needed to nominate a candidate from the present requirement of 25 signatures.

Comments and proposals:

The concern of intervenors was not so much to change the process by which federal parties choose candidates as to improve the process and make it fairer. Only two intervenors favoured moving to a U.S.-style primary for selecting candidates. Most of the intervenors on this subject wanted nominations brought under the Act or regulated by Elections Canada or recommended specific improvements such as disclosure and spending limits and whether these should be voluntary or legislated. A number of intervenors

sought to overcome the obstacles that the nomination process poses for women.

MP Albina Guarnieri, speaking from her own experience, said many nominations in 1988 were a travesty of the principle of fairness and gave 14 examples of what she said were common abuses in party nominations, including fraudulent memberships, memberships which are "lost" after being handed in and arbitrary criteria for identifying party members. More than anything else, she missed an impartial, independent authority to resolve disputes over the nomination process. This was her grounds for supporting legal sanctions against nomination abuses and regulation by Elections Canada.

MP John Manley warned that the existing system of nominating candidates, particularly in large urban ridings, endangered the ability of parties to select capable candidates and therefore to fulfil their function in brokering the interests of different regions and different groups of Canadians.

In some parts of Canada, it was pointed out there was almost no question that one party would win and the real battle between candidates was therefore not the election, but that party's nomination. Mr. James Roots of the Canadian Association of the Deaf estimated a nomination campaign could cost \$40,000 and asked that a spending ceiling be set at \$1,000 to make nominations more accessible to the disabled. Mr. Manley suggested a figure of around \$15,000; other suggested limits ranged between \$10,000 and \$25,000.

Professor Jill Vickers said that putting the nomination process under electoral law would be the single greatest contribution the Commission could make to allowing women more access to the political process. Other intervenors representing women took the same view. This subject is discussed more fully in the summary on women in politics.

Mr. Burt Moddejonge, a vice-president of the federal Liberal Party, defended allowing non-citizens to vote at party nominations, on the grounds that this was a good way for them to learn about the electoral process while they were waiting to become citizens.

A number of intervenors from ethno-cultural communities urged that the parties make room for people from their communities to participate rather than just using them as "instant" members, a process which in the end would have explosive results. They were among intervenors recommending that the length of time required in a party for members to vote at a

nomination be extended to three months, to six months, or to a year.

The Canadian Ethnocultural Council recommended that the parties adopt affirmative action programs to increase the number of candidates in winnable ridings from ethnic and visible minorities and to increase the participation of minorities within party organizations.

Apart from representatives of women, there was little support voiced for public funding or tax credits to assist with the cost of nomination campaigns. Mr. Preston Manning asked that the Act prohibit donations to registered parties, i.e., funds which had qualified for the tax credit, from being used in nomination or leadership campaigns.

With respect to regulation, Professor William Christian recommended that nominations be supervised by Elections Canada and administered by the local returning officer rather than being run by untrained local organizers, and that the rules for nominations be laid down in advance. Mr. Brian Rhiness, in Edmonton, recommended that Elections Canada set standard procedures and monitor both the nomination race and the actual nomination meetings. The specific alternatives suggested by intervenors relate to their desire for some form of regulation.

Ms. Maureen McTeer acknowledged that there were abuses within the parties in areas such as nominations but suggested that it was unrealistic to try to resolve them by regulation. The Commission should definitely raise the issue of nominations in its report, she suggested, for in doing so it would warn the parties that part of the privilege of being self-regulating was that they took the responsibility to do just that.

The process of officially nominating a candidate was raised as a concern by intervenors in Yellowknife and Iqaluit. Mr. Stephen Whipp, Western Arctic New Democrats, noted the cost of sending nomination forms by courier in the north and asked that faxes be permitted. Mr. David Hamilton, clerk of the Northwest Territories Legislative Assembly, said the Territories Elections Act is to be amended to allow the training of competent persons in each community to accept nomination papers.

Mr. Whipp also questioned the need for at least 25 signatures for a nomination, noting that in some communities in the Northwest Territories there might not be that many people enumerated. However, Mr. Abe Okpik, in Iqaluit, a former Conservative candidate, noted that 25 names could be collected from a single community and suggested the requirement be raised

so that many communities would have an input in the nomination process.

Related issues:

The issue of nominations is closely related to the issues of party finance and controls, leadership campaigns, local riding finance and organization, ethnic community issues, northern issues, and women in politics which are covered in separate issue summaries.

Major intervenors:

Mr. Peter Regenstreif (Toronto, May 8)

Ms. Albina Guarnieri, MP (Ottawa, June 12)

Ms. Maureen McTeer (Ottawa, June 12)

Mr. John Manley, MP (Ottawa, June 13)

Professor Jill Vickers (Ottawa, June 13)

Other intervenors:

The Council of Canadians (Ottawa, March 13)

Mr. George Daley, citizen (Moncton, March 20)

Mr. Doug Stewart and Scott Thompson, Surrey-White Rock PC Association (Vancouver, March 27)

Mr. Bill Thomlinson, former Libertarian candidate (Vancouver, March 27)

Mr. Raymond Garneau, former MP (Montreal, April 10)

Ms. Lynn McDonald, former MP (Toronto, May 7)

Professor William Christian, University of Guelph (Toronto, May 7)

Committee for 94 (Toronto, May 8)

Ms. Marie Marchand, former PC candidate (Toronto, May 8)

Ms. Rachel Proulx, Sudbury Business and Professional Women's Club
(Sudbury, May 9)

Mr. Howard Johnston, former MP (Kamloops, May 15)

Mr. Nelson Riis, MP (Kamloops, May 15)

Mr. Preston Manning, leader of the Reform Party (Edmonton,
May 22)

Mr. Eric Groody, lawyer (Calgary, May 22)

Mr. Elmer Knutson, Confederation of Regions Party (Calgary,
May 22)

Mr. Burt Moddejonge, Liberal Party (Calgary, May 22)

Mr. Brian Rhiness, citizen (Edmonton, May 23)

Mr. David Hamilton, Clerk of the NWT Legislative Assembly
(Yellowknife, May 24)

Mr. Stephen Whipp, Western Arctic New Democrats (Yellowknife,
May 24)

Mr. Don Scott, consultant and former Manitoba MLA (Yellowknife,
May 24)

Mr. Constantine Karyannopoulos and Mr. Peter Dotsikas (Toronto,
May 31)

Mr. Patrick Nowlan, MP (Halifax, June 4)

Ms. Debi Forsyth-Smith, Nova Scotia Advisory Council on the
Status of Women (Halifax, June 4)

Ms. Wendy Williams, Provincial Advisory Council on the Status of
Women for Newfoundland and Labrador (St. John's, June 6)

Dr. Glenda Simms, National Advisory Council on the Status of
Women (Ottawa, June 11)

Dr. Chantal Maillé, Fédération des Femmes du Québec (Ottawa,
June 11)

Mr. Louis Gravel, Parti nationaliste du Québec (Ottawa, June 11)

Mr. James Roots, Canadian Association of the Deaf (Ottawa,

June 12)

Mr. Fergus O'Connor, lawyer (Ottawa, June 12)

Mr. Derek Lee, MP (Ottawa, June 12)

Professor Jill Vickers, Carleton University (Ottawa, June 13)

Ms. Alice Basarke and Mr. Attar Chawla, World Sikh Organization of Canada (Ottawa, June 13)

Mr. Abe Okpik (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

31. REGULATION OF POLITICAL PARTIES

Key issues:

- * Should parties continue to require a minimum number of candidates in order to be registered for federal election purposes, and if so how many?
- * Should new parties be allowed to be registered or to have tax receipt privileges in a pre-election period before they can meet the requirement for nominating candidates?
- * Should parties be able to register on a regional rather than a national basis?

Background:

Under the Elections Act, the registration of a new party is a two-stage process. A party has to apply for registration giving its name and the name of its leader, its officers, official agent and auditors as well as the signature of 100 members, but it can only be registered when it has officially nominated 50 candidates after a general election has been called.

The effect of this rule is that a party formed between elections, such as the Reform Party, cannot be registered and therefore cannot issue tax receipts on donations until it embarks on its first election campaign.

Parties are required to file a new return with Elections Canada if there is any change in their leadership or material change in other information provided upon registration. Parties must also file an annual report of their financial operations and a report on their operations after every election campaign.

A party which does not file one of these returns may be fined up to \$25,000. A registered party which fails to confirm its registration at the time of an election or to present a minimum of 50 candidates in that election is liable to be

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deregistered unless it had at least 12 members in the outgoing House of Commons.

Bill C-79 proposed making registration of new parties more difficult by requiring the signature of at least 10,000 electors as well as 100 party members for registration, and by requiring a new party to submit its constitution and to update its registration annually. The Bill also proposed allowing an appeal to the Federal Court of Canada if a party were deregistered by the CEO, as occurred with the Parti nationaliste when it failed to nominate enough candidates in the 1988 election.

Under the present rules, there are some 15 federal parties recognised for registration by Elections Canada. Six parties completed the requirements for election by fielding more than 50 candidates in the 1988 federal election.

Suggested alternatives:

- Remove the requirement that a party must nominate a certain number of candidates to be registered provided that the party has submitted 10,000 signatures of electors upon registration;
- Allow a new party to be registered and to issue tax receipts to contributors between elections, rather than having to wait until the next election to be registered;
- Keep the process of registering new parties accessible;
- Raise the number of candidates required for registration to 75 or 100, but give parties recognised in this way equal status with the parties represented in Parliament in leaders' debates and other election events;
- Allow a regional party to be registered if it presents candidates in at least 15% of the seats in its region.

Comments and proposals:

For obvious reasons, this issue was mainly of interest to intervenors from the smaller parties. They were generally critical of the present requirement that a party may not be registered before an election and must present at least 50

candidates to be registered at that time. The consequence of not being registered is a very real financial loss, because without registration a party cannot issue receipts for its contributors to qualify for political tax credits.

Mr. George Hewison of the Communist Party said the requirement for 50 candidates is undemocratic and forces smaller parties into activities that go beyond their means, or that go beyond the scope of activity of parties with a provincial or regional base. He proposed as an alternative that a party be required to have 10,000 signatures to be registered, but not to present a certain number of candidates.

Mr. Preston Manning of the Reform Party took a similar view, suggesting that 1,000 signatures be required, but not opposing a higher number. Because a new party could not be registered and issue tax receipts in the period before an election, he said the present arrangement makes it difficult for a new party to raise funds. He suggested that if registration were made easier, it should also be made easier to deregister a party once established.

The CEO of Manitoba, Mr. Richard Balasko, urged that the federal Act follow Manitoba's model regarding the registration of new parties. Manitoba grants new party status when a party has 2,500 signatures on its application.

Mr. Greg Vezina, of the Greens, and MP Simon de Jong put forward an alternative to enlarge the requirement for registering a party to 75 or 100 candidates, respectively, but then expand the rights of new parties as well.

Mr. Vezina recommended that a party also be required to have an annual convention in order to maintain its registration, but said a registered party should have equal broadcasting time with parties already registered in Parliament. Mr. de Jong suggested that new parties registered according to more rigorous standards should participate equally with all other recognized parties in televised debates on the House of Commons Channel at election time.

Related issues:

Related issues include minor party issues, nomination of candidates, broadcasting issues and election law and enforcement.

Intervenors:

Mr. George Hewison, Communist Party of Canada (Toronto, May 8)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22)

Alberta Federation of Labour (Edmonton, May 23)

Mr. Richard Balasko, acting C.E.O. in Manitoba (Winnipeg, May 29)

Mr. Greg Vezina, Green Party of Canada (Toronto, May 30)

Mr. Louis Gravel, Parti nationaliste du Québec ((Ottawa, June 11)

Mr. Simon de Jong, MP (June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

32. CIVIL RIGHTS AND POLITICAL RIGHTS

Key issues:

- * Should federal law guarantee federal employees the right to be candidates in an election or the right to be politically involved?
- * Should federal law guarantee employees in the private sector the right to be candidates, to return to their jobs after a period of elected office, or to be politically involved?
- * Should the Elections Law continue to guarantee employees four consecutive hours to vote, or should this provision be changed?

Background:

The federal government and several of the provinces have laws restricting the right of their employees to be candidates or to be active in politics.

Federally, the Public Service Employment Act provides a procedure for federal employees to seek leave to be candidates, but prohibits them otherwise from campaigning or from supporting a candidate or political party. Below senior levels of the civil service, applications for leave to be a political candidate are normally approved.

The section of the PSEA restricting political activity has been struck down by the federal Court of Appeal, and is currently being appealed to the Supreme Court of Canada by the federal government.

Federal law guarantees leave to be jurors for people employed in the private sector, but makes no provision for their right to be candidates. A few employers, such as colleges and universities, grant this form of political leave as a matter of internal policy.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990 but not on other Commission research.

The Act guarantees employees four hours of time off for voting on election day, to be chosen at the employer's discretion. The employer must provide paid time to the employee if the employee's normal time off work is less than four hours; a 9 to 5 employee, for example, is entitled to one hour of paid time off in order to leave work four hours before the polls close at 8 p.m. Bill C-79 proposed reducing the time off allowed for voting from four hours to three.

Suggested alternatives:

- Remove the restrictions of the present law and give federal government employees the same political rights as other Canadians;
- Allow a federal employee, who is nominated or seeking nomination, to stay at work until the election is called;
- Guarantee employees in the private sector the right to take leave to stand as a candidate without risking their job;
- Require that employers grant unpaid leave from their job to employees who successfully win election, for their first six years in office;
- Reduce the amount of time off allowed for voting from four hours to three;
- Allow employees to use their allowed time off for voting to go to an advance poll or to vote at the returning office.

Comments and proposals:

A half-dozen intervenors spoke in favour of extending political rights to government employees. They included Professor Patrice Garant in Quebec City, Mr. Stephen Whipp of the Western Arctic NDP, the Public Service Alliance and three trade union intervenors. Two intervenors, the National Action Committee on the Status of Women and the Sudbury Business and Professional Women's Club, raised the issue of giving employees in the private sector the right to stand as candidates.

The major intervention on political rights was from the Public Service Alliance, which has been contesting this issue through the courts since 1984. It said four out of five

Canadians agreed with the Federal Court decision to give federal employees the same political rights as other Canadians, in an opinion poll which it had commissioned. The PSA recommended against prohibiting political activity for any position in the public service, but said that people at a high level should assess whether this is appropriate. A PSA spokesman raised the problem of federal employees, who are nominated or seeking nomination, being required to take unpaid leave for lengthy periods, because their leave could not be deferred until the election was called.

Professor Garant supported the Federal Court of Appeal decision and recommended that public servants wishing to stand as candidates have the right to take leave, rather than having to request permission from the Public Service Commission. Mr. Whipp, of the Western Arctic NDP, suggested that political rights were a particular issue in the Territories because of the large number of federal and territorial employees affected.

The Sudbury Business and Professional Women's Club compared giving people the right to time off to stand as a candidate to the rights now allowed to take time off work to vote or to do jury duty without penalty from an employer, and justified its proposal on the need for people to run for political office. The NAC proposed giving employees political leave, including unpaid leave for up to six years if elected, as one of a number of proposals to help overcome the under-representation of women in politics.

The Institute for Political Involvement did not support legislation to guarantee employees time off to stand as candidates, but said it had recommended this policy for the guidance of companies. It said business would object to having such a policy in law, citing an example of a business being required to hold a job open for an employee who wanted to run for the Communist Party.

With regard to time off for voting, there was no specific support for reducing the number of hours allowed as proposed in Bill C-79; but the Calgary Chamber of Commerce justified its support for Sunday voting, in part, on the fact that this would avoid many employers having to allow their employees leaving work early on election day. The Victoria Labour Council and the National Organization of Immigrant and Visible Minority Women of Canada raised concerns about employees and domestic workers having their allowed time off to vote and asked that the present law be strengthened.

The Victoria Civil Liberties Union sought protection in the Act for tenants to put up election signs even if their landlord

disagreed with their choice, contending that this was a right of political expression. It also suggested that the size of election signs might be regulated to prevent a "sign war" between landlord and tenant.

Citizens Concerned About Free Trade, in Saskatoon, asked that the Elections Act guarantee the right to put up posters on lamp standards during election campaigns, because of the harassment and prosecutions which its members had experienced for posterizing during the last election. Although proposed on behalf of a community group, this right could also apply to parties and candidates.

Other rights' issues are dealt with under different subjects. They include the right of tenants in illegal suites to be enumerated without giving their address (Metro Tenants Legal Services); the disparity between rural and urban voters with respect to being registered on election day (Mr. David Winner); the right of access for citizens to the media (Mr. Greg Vezina); and the question of whether the right to vote should be considered together with, or separately from, the right to stand as a candidate (Canadian Bar Association).

Related issues:

Rights issues are also raised with relation to broadcasting issues, voting age and other eligibility issues, electoral system general issues, interest and advocacy group issues, election law and enforcement, minor party issues, opinion polls, aboriginal issues, women in politics, election hours and Sunday voting, enumeration issues, advance, proxy and mobile voting and revision and election day registration.

Intervenors:

Canadian Labour Congress (Ottawa, March 12)

Mr. Tom Gore, Victoria Civil Liberties Union (Victoria, March 26)

Mr. Steve Orcherton, Victoria Labour Council (Victoria, March 26)

Ms. Jean Swanson, End Legislated Poverty (Vancouver, March 27)

Ms. Marjaleena Repo, Citizens Concerned About Free Trade (Saskatoon, April 17)

PC Riding Associations (Saskatoon, April 17)

Professor Patrice Garant (Quebec, April 30)

Metro Tenants Legal Services (Toronto, May 7)

Sudbury Business and Professional Women's Club (Sudbury, May 9)

Mr. David Winninger, lawyer (London, May 10)

Calgary Chamber of Commerce (Calgary, May 22)

Alberta Federation of Labour (Edmonton, May 23)

Mr. Stephen Whipp, Western Arctic NDP (Yellowknife, May 24)

Manitoba Federation of Labour (Winnipeg, May 29)

Institute for Political Involvement (Toronto, May 30)

Dr. Glenda Simms, National Advisory Council on the Status of Women (Ottawa, June 11)

Mr. John Jennings, Canadian Bar Association (Ottawa, June 11)

Mr. Daryl Bean, President, Public Service Alliance of Canada (Ottawa, June 13)

Ms. Madonna Larbi, National Organization of Immigrant and Visible Minority Women of Canada (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

33. ABORIGINAL ISSUES

Key issues:

- * Should special constituencies be created in order to ensure that Canada's native peoples are fairly represented in Parliament?
- * Should these special constituencies be geographically based or should they be based on a special aboriginal electoral roll, following the model of the reserved Maori seats in New Zealand?
- * How should the creation of special aboriginal seats in Parliament be linked to the issue of native self-government?
- * What other steps should be taken in order to increase the participation of native peoples in the electoral process?

Background:

The Federal Government has a special responsibility for Canada's native peoples as a consequence of the British North America Act and of treaties and agreements which have been signed between different native groups and tribes and the government, before and after Confederation. These responsibilities are particularly related to native peoples living on Indian reserves.

Up until 1960 status Indians living on reserves were not entitled to vote in federal elections unless they gave up their treaty status and the rights and privileges which that status carried with it. Although status Indians now have the right to vote, certain native communities have made it a practise not to be enumerated nor to vote in federal elections.

The Department of Indian and Northern Affairs estimates that there were 939,000 aboriginal people in Canada in 1990. These include 510,000 status Indians, 395,000 non-status Indians and Metis, and 32,000 Inuit.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

The first status Indian elected to Parliament, in 1968, was Mr. Len Marchand, now a Liberal Senator. There are now three aboriginal MPs in Parliament, two from the Northwest Territories and one from Alberta. Native representation in the provincial legislatures is similarly sparse but MLAs of native origin make up a quarter of the Yukon legislature and form a majority in the legislature of the NWT, which has recently established seven native languages alongside English and French as official languages.

No special provision is made for native people in the Elections Act. However, the Electoral Boundaries Act provides for two constituencies for the Northwest Territories for a population of 52,000, now represented by two aboriginal MPs.

Elections Canada spent \$14,000 on advertising in the native press during the 1988 election. Polling stations are only required to post information concerning the election in English and French even in polls where all or most of the electors are of native origin.

Suggested alternatives:

Special representation:

- Establish a number of special aboriginal constituencies with a separate electoral roll in order to guarantee native representation in Parliament, along the lines of the special Maori seats in New Zealand;
- Ensure native representation in Parliament by creating special seats in the northern areas of the provinces which would have a majority of native voters;
- Establish electoral districts for native peoples based on Indian communities within treaty areas rather than on contiguous geographic boundaries;
- Create special seats with a native majority crossing provincial boundaries in northern Canada, so that the population of these seats is not too far below the average for other constituencies in Parliament;
- Establish a new constituency of Nunavut to provide representation for the Inuit people in the Eastern Arctic, thereby increasing the number of

constituencies in the Northwest Territories from two to three;

- Ensure better representation of native people through the political parties and through better education and social programs, rather than through the creation of special aboriginal constituencies;
- Create seats based on special electoral rolls for other groups based on their ethnic or national origins as well as for native peoples;
- Limit the electoral roll for aboriginal constituencies to status Indians;
- Include non-status Indians and Metis in the electoral roll for aboriginal constituencies;
- Fix the number of aboriginal constituencies on the basis of the estimated aboriginal population;
- Fix the number of aboriginal constituencies on the basis of the number of native people who register for the special electoral roll;
- Use proportional representation rather than a single-member system in the special aboriginal seats in order to ensure that there is aboriginal representation in all the major party caucuses in Parliament;

Consultation:

- Have the Royal Commission establish a joint working committee with representatives of aboriginal peoples in order to develop specific recommendations for aboriginal representation in Parliament;

Self-government:

- Treat Indian self-government and special representation for aboriginal peoples in Parliament as complementary rather than as mutually exclusive policies;
- Include between 10 to 15 aboriginal representatives in a reformed Senate and give them

special powers with regard to legislation directly affecting aboriginal peoples;

- Ensure that the aboriginal right of self government is recognized in the Constitution;

Electoral system:

- Place polling stations on reserves in order to increase native participation in elections;
- Keep polling stations off reserves so as to avoid identifying how people in an Indian band voted and the risk of reprisals if the band voted against a government MP;
- To improve aboriginal participation, make material about the electoral process from Elections Canada available in native languages;
- Use more native people in enumeration and in the electoral process in order to help improve native participation in elections;
- Develop a standard procedure for enumeration so that Indians living on reserves are not denied their right to vote through being left off the voters' list;
- At polling stations serving a native population, post information about the electoral process in native languages as well as in French and English;
- Establish an Aboriginal Electorate Program to encourage aboriginal people to take part in elections and to sponsor community-based voter registration.

Comments and proposals:

Some two dozen intervenors, including a number of major aboriginal organizations, spoke on aboriginal issues at the hearings. Their major concern was to ensure better representation for aboriginal people in Parliament, although a number of intervenors stressed that their first priority remained the achievement of aboriginal self-government.

Fourteen intervenors favoured the creation of special aboriginal seats with a separate electoral roll, along the line

of the seats reserved for the Maori people in the New Zealand Parliament. These intervenors included the Aboriginal Peoples' Commission of the Liberal Party of Canada, the Metis Society of Saskatchewan, the Manitoba Keewatinowi Okimakanak, the Siksika Nation Tribal Council, the Assembly of Manitoba Chiefs, the Native Council of Nova Scotia, the New Brunswick Aboriginal Peoples' Council and the Native Council of Canada.

Two intervenors, Dr. Norman Ruff of the University of Victoria and Mr. Don Scott, a consultant in Yellowknife, expressed reservations or opposed the concept; Mr. Scott suggested that the Maori MPs in New Zealand had become token MPs largely excluded from the mainstream political process. On the other side, Mr. Gary Gould of the New Brunswick Aboriginal Peoples' Council suggested that the New Zealand system helped to account for the success of the Maoris' integration into New Zealand society. Mr. Ian Cowie, a consultant on aboriginal issues, said the Maori MPs have frequently been able to successfully influence legislation and policies of government in dealing with Maori affairs.

Mr. Gould noted that Nicaragua, Fiji, New Zealand and the State of Maine have provided guaranteed representation for an aboriginal group. Another intervenor noted that Norway has made special provisions for representation for its indigenous Sami people.

The alternative of creating northern ridings in the provinces which would have a native majority was supported by the Grand Council of Crees, representing Indians in northern Quebec, and by Makivik Corporation and two other intervenors at the Commission's hearing at Kuujjuaq south of Ungava Bay. They complained that electoral boundaries in northern Quebec had been drawn so as to link northern areas with southern cities and thereby make the native vote a minority.

The Metis Society of Saskatchewan recommended that the boundaries of the northernmost riding in Saskatchewan be redrawn to give it a native majority, but its preference was to provide native representation on the New Zealand model. The Native Council supported amending the Electoral Boundaries Readjustment Act to ensure that redistribution accommodated historic and existing communities of aboriginal interest. Makivik Corporation made a similar proposal, while Mr. Richard Whidden of the Churchill PCs and Professor Andrew Sancton of London also expressed some support for the creation of native ridings in the north.

Two other approaches to providing native representation were put forward. The Siksika Nation Tribal Council recommended

creating electoral districts based on treaty areas throughout Canada in which only Indian candidates and Indian voters would be allowed, although it also supported representation on the New Zealand model. The Baffin Regional Inuit Association, in Iqaluit, recommended the creation of a new riding of Nunavut in the Eastern Arctic in order to provide representation for the area's Inuit people in Parliament.

Towards the end of the hearings, several intervenors from native organizations urged that there be more substantial consultations over aboriginal issues with the native community than had taken place in the hearings process. At the final hearings in Ottawa, Mr. Robert Groves, for the Native Council of Canada, recommended that the Commission establish a joint working committee with representatives of aboriginal organizations to develop specific recommendations for native representation in the House of Commons. It would be a lot easier to reach a consensus on a proposal for guaranteed seats on the New Zealand model if it were made jointly with aboriginal representatives than if it came out of the blue from the Royal Commission, he said.

The specific issues of how a special electoral roll for native voters should be drawn up and who should be eligible were dealt with only briefly. The Siksika Nation Tribal Council suggested that only status Indians should be eligible; the Native Council recommended that aboriginal voters' lists be drawn up by self-identification rather than by using criteria adapted from the Indian Act system. It recommended the creation of an Aboriginal Electorate Program to encourage participation in elections by aboriginal people and community-based voter registration. It also recommended that voting be based on a blended system in which some native candidates would be elected on the basis of constituencies and some on a proportionate basis to balance the list.

The question of Indian self-government was raised frequently by intervenors on aboriginal issues, but was generally seen as complementary to the question of improving native representation in Parliament rather than contradictory. Mr. Ian Cowie, at the final Ottawa hearing, warned that aboriginal leaders may not be ready to make aboriginal representation in Parliament a priority because their focus has been to achieve aboriginal self-government. On the other hand, Mr. David Merasty of the Manitoba Keewatinowi Okimakanak, representing Crees in northern Manitoba, said it was unlikely that the marginalization of Indians would be diminished unless they exercised their inherent right to self government and at the same time took advantage of political rights available in the national political institutions.

Mr. Gould of the New Brunswick Aboriginal Peoples' Council suggested that a guaranteed right of representation in the political sector flowed from the aboriginal right of self-government - although he said it was no substitute for the constitutional recognition of aboriginal self-governing institutions. Dr. Viola Robinson of the Native Council of Nova Scotia said she did not believe that natives could achieve self-government without cooperation from the existing legislatures, and that required having aboriginal representatives present.

Throughout the hearings, intervenors from native organizations spoke of the alienation of native Canadians from the electoral system and of the inadequate representation of native people in Parliament in relation to their numbers. The Liberal Aboriginal Peoples Commission noted that since natives on reserves received the vote in 1960, only nine aboriginal Members of Parliament had been elected. It noted that electoral boundaries commissions had created ridings to meet the needs of ethnic minorities in major cities, but not to deal with the group rights of aboriginal people. Mr. Merasty of the Manitoba Keewatinowi judged that the participation of Indians in the electoral process since 1960 had not resulted in political power or in any substantial influence on Indian policies.

Chief Ovide Mercredi of the Assembly of First Nations noted a growing feeling among native leaders that they were wasting their energy and resources trying to find acceptance in a home that did not want Indians. For Indians, the one-person-one-vote rule of elections translated into white majority rule.

Mr. Andrew Bear Robe of the Siksika Nation Tribal Council told the Commission that the federal government had routinely violated both the letter and the spirit of its treaty with the Blackfoot Confederacy. Native people had been denied the rights expressed in their treaty because life on reserves had come to be controlled by the Indian Act, and because Indian people had been denied the right to effective representation in Parliament. Mr. Phil Fontaine, for the Assembly of Manitoba Chiefs, expressed concern that the Commission had invited aboriginal representatives to testify so as to legitimize a process that would once again deny aboriginals their proper place in the country.

Chief Ron Ignace of the Shuswap Nation Tribal Council, in Kamloops, argued the need for an "honourable accommodation" with his people which would encompass every element of the relationship including the land, resources, services, political powers, and representation and which would be enshrined by treaty with the federal government.

Members of the Royal Commission stressed their openness to non-traditional solutions to the question of aboriginal representation in a number of exchanges with native intervenors. At a day-long hearing with the Siksika National Tribal Council in Gleichen, Alberta, Mr. Pierre Lortie, the chairman, said the Commission was seeking a constructive dialogue with leaders of the First Nations. He acknowledged that self-government was the primary issue for native peoples, but said that even if it seemed contradictory, the aim of self-government could be assisted if natives achieved more effective representation in the House of Commons.

In an exchange with Mr. Fontaine of the Assembly of Manitoba Chiefs, the Chairman suggested that if indigenous people were represented in Parliament in proportion to their population, they would have about 10 MPs, and that these 10 MPs would have had the balance of power in Parliament more than half of the time since 1957. Mr. Lortie said the Commission would not give serious consideration to giving special aboriginal representation in Parliament without substantial backing from the indigenous people. Issues such as self-government and treaties should be dealt with in a different forum, he suggested, but the Commission wanted to report to Parliament by September 1991 and this meant that indigenous people had to decide what they wanted to do with respect to the electoral process.

A number of other issues affecting native peoples were mentioned briefly at the hearings. The Dakota Ojibway Tribal Council recommended placing polling stations off reserves so as to forestall reprisals against a band that might be seen to have voted against the government, whereas Mr. Don Ursaki, a native and former Liberal candidate in B.C., argued strongly that polling should take place on reserves in order to encourage greater turnout.

Mr. Ursaki and Mr. Don Ferguson, a former NDP candidate in Lethbridge, expressed concern at large numbers of native people not being enumerated either because the native population is mobile and difficult to enumerate, or because band councils do not permit it. Mr. Ursaki recommended that a preliminary enumeration be carried out in the year prior to an election to make sure everyone is on the list.

Several intervenors urged that more information from Elections Canada be made available in native languages and that these languages be used at the polling station in addition to English and French. Mr. Garfield Warren, MHA for a constituency in northern Labrador, noted that 70 per cent of the voters in his district are Inuit or Innu and many speak only their own language, and urged that election officials serving the area be

conversant in English and in Inuit or Innu depending on the community.

Intervenors in Iqaluit and Kuujjuaq made a strong case for using Inuktituk both on the ballot and in election material used in their area.

The Native Council of Canada urged that natives be given 10 to 15 representatives in the Senate and that these Senators have special powers with respect to legislation directly affecting aboriginal peoples. Mr. Patrick Michael, CEO for the Yukon, noted that the Yukon did not have relative equality of population in its ridings but that a benefit of its electoral map had been to create several ridings with native majorities. As a consequence 4 of the 16 MLAs were now of native origin, in a territory where 25 per cent of the population was of native origin.

Major intervenors:

Chief Matthew Coon-Come, Grand Council of Crees (Ottawa, March 13)

Aboriginal Peoples' Commission (Ottawa, March 13)

Mr. Gerald Morin, Metis Society of Saskatchewan (Saskatoon, April 17)

Chief Ernie Daniels and Mr. Carl Roberts, Dakota Ojibway Tribal Council (Regina, April 18)

Chief Ovide Mercredi, Assembly of First Nations (Winnipeg, April 19)

Mr. David Merasty, Manitoba Keewatinowi Okimakanak (Thompson, April 20)

Chief Ron Ignace, Shuswap Nation Tribal Council (Kamloops, May 15)

Siksika Nation Tribal Council (Gleichen, May 16)

Mr. Don Ursaki, a native and Liberal Party candidate in Caribou-Chilcotin (Vancouver, May 17)

Mr. Phil Fontaine, Assembly of Manitoba Chiefs (Winnipeg, May 29)

Dr. Viola Robinson, Native Council of Nova Scotia (Sydney, June 5)

Mr. Gary Gould, New Brunswick Aboriginal Peoples' Council
(Sydney, June 5)

Mr. Robert Groves, Native Council of Canada (Ottawa, June 12)

Mr. Ian Cowie, consultant on aboriginal issues (Ottawa, June 13)

Mr. Duncan Cunningham, Baffin Regional Inuit Association,
(Iqaluit, July 23)

Mr. Tikile Kleist (Kuuujuaq, July 24)

Mr. Jean Guy Bousquet, Kativik Regional Government (Kuuujuaq,
July 24)

Mr. Zebedee Nungak, Makivik Corporation, (Kuuujuaq, July 24)

Other intervenors:

Professor Stewart Hyson (Fredericton, March 19)

Dr. Norman Ruff, University of Victoria (Victoria, March 26)

Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry
Sperling, and Dan de Vlieger, University of Regina (Regina,
April 18)

Mr. Richard Whidden, PC Riding Association of Churchill
(Thompson, April 20)

Professor Andrew Sancton (London, May 10)

Mr. Patrick Michael, CEO for Yukon (Whitehorse, May 14)

Mr. Don Ferguson, former NDP candidate (Calgary, May 22)

Ms. Dale Robinson, NWT Council for Disabled Persons (Yellowknife,
May 24)

Mr. Don Scott, consultant and former MLA (Yellowknife, May 24)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Mr. Abe Okpik (Iqaluit, July 23)

Ms Cheri Kinnear, Iqaluit Chamber of Commerce (Iqaluit, July 23)

Ms Jeanne Mike (Iqaluit, July 23)

Mr. Bryan Pearson (Iqaluit, July 23)

Mr. Matthew Spence, Nunatsiaq News; Ms Lynda Gunn, Inuit Broadcasting Corporation; Mr. Patrick Nagle and Mr. Simon Awa, CBC Northern Service (Iqaluit, July 23)

Ms Yvonne Earle, Baffin Women's Association (Iqaluit, July 23)

Mr. Pudloo Mingeriak and Ms Meeka Kilabuk, Baffin Regional Council (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

34. ETHNIC COMMUNITY ISSUES

Key issues:

- * What steps should be taken, if any, to provide greater information about the electoral process to people from ethno-cultural minorities and to help increase their participation in the electoral system?
- * Should action to increase minorities' participation in the political parties be a matter of voluntary action by the parties, should it be encouraged by financial incentives to the parties or should it be mandated by law?

Background:

Although the Elections Act is silent with respect to the participation of people from ethnic communities in the electoral process, it has long been common for political parties to make special efforts to attract the support of ethnic voters.

In recent years candidates and leadership campaign organizers are said to have recruited large numbers of so-called "instant" members from ethnic communities into different parties to vote in nomination meetings or in the selection of leadership delegates. This technique is beginning to be used not just to nominate candidates from traditional backgrounds, but as a means for minority candidates to win nominations over the opposition of the local party establishment.

According to the Canadian Ethnocultural Council, approximately 35 per cent of the population or about 9 million Canadians are of non-British and non-French origin and this group makes up 20 per cent of the membership of the House of Commons. Around seven per cent of Canadians are from visible minorities and this group now makes up approximately half of the annual immigration into Canada.

Elections Canada first began to direct information about the electoral process to ethnic communities in the 1980 election. It

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spent about \$90,000 on advertising in the ethnic media during the 1988 election period, just under six per cent of its advertising budget, as well as distributing a large number of multilingual booklets on voting in Canada.

The Act is unclear as to whether a voter may bring an interpreter or translator to assist them at the polls. If a DRO does not understand the language spoken by a voter the DRO is required, where possible, to appoint an interpreter. An interpreter may be appointed in other circumstances but this is not required in ethnic polls. Some ROs try to appoint DROs and enumerators in ethnic areas who speak the language of people in that area, but this is not obligatory.

Suggested alternatives:

- Make information about the electoral process more available in different languages;
- Have Elections Canada undertake a broad program of education in different languages to promote the electoral process among people from ethnic communities;
- Offer short courses about the electoral system in public schools;
- Encourage the parties to adopt affirmative action policies to increase the number of candidates from ethnic minorities in winnable ridings and to increase the participation of minorities in party organizations;
- Provide financial incentives to encourage parties to give more equal access to minority groups in their organization and candidacies;
- Require the parties to provide more equal participation by minority groups through the Canada Elections Act;
- Avoid the use of "instant members" in party nominations and delegate selection by lengthening the period of membership required as a condition to vote;
- Open up the nomination process to people from ethnic communities by making it more like the U.S. system of primaries;

- Have Elections Canada regulate party nomination procedures in order to maintain the integrity of the electoral process;
- Raise the minimum age for party membership from 14 to 18 through the Canada Elections Act and require that members must be citizens in order to vote in party nominations and the selection of leadership delegates;
- Have Elections Canada seek the co-operation of different ethnic community groups in preparing information about the electoral process and in providing information to people from their community;
- Use enumerators in ethnic areas who have the language ability of the community they are enumerating.

Comments and proposals:

The main concerns of intervenors who spoke on ethnic community issues were to increase the flow of information in different languages to people from ethnic communities, to try to promote greater participation, and to gain more equal treatment for minorities within the parties and in elected office. These measures are needed, it was argued, to overcome language and cultural barriers and the political system's tendency to exclude minorities.

Recommendations that better information about the electoral process be provided to people from ethnic communities came from the Ontario Advisory Council on Senior Citizens, the London Cross Cultural Learner Centre, from Ms. Debra Wong, the Winnipeg-North Centre Liberals, the Canadian Ethnocultural Council, and the National Organization of Immigrant and Visible Minority Women. This last organization recommended that electoral information be in audio and visual as well as in written form and that organizations from different ethno-cultural communities be asked to assist both in preparing and in distributing it.

The Winnipeg-North Centre Liberals, who carry out their campaigns in seven languages because of the nature of their riding, were critical of Elections Canada for not being sufficiently willing to help people from other languages to understand the electoral process. Mr. Andrew Cardozo, for the Ethnocultural Council, urged that Elections Canada make increased use of the ethnic media and ensure that its advertising reflect

the cultural and racial diversity of Canadians in all visual materials. He said the process of enumeration should be sensitive to language barriers, particularly in the case of immigrant women and seniors. It would help improve the enumeration of ethnic communities if enumerators could speak the language of the community they are enumerating.

Several intervenors voiced concern about the perception of politics among people who come from countries with different traditions or political practices. Ms. Wong noted that many new Canadians come from societies that are less than democratic and may not wish to voice their political concerns for fear of retaliation. Ms. Kathleen Kevaney, of the London Cross Cultural Centre, made the same point and said new immigrants needed to know how approachable MPs are and what are the guarantees that they are legitimate and not themselves involved in corruption.

Professor Carolle Simard of the University of Quebec at Montreal put the question of ethnic participation in a wider context. Democracy was an ideal towards which we must continuously strive, she argued. The changes in population now taking place had to be taken into account. If a substantial number of the population continued to be excluded from the political system, one had to ask if there could still be a democratic and representative electoral system.

Professor Simard noted that there has been little research on the question of political participation by minorities, and that researchers seem to have wrongly assumed that social and economic integration of minorities would lead to political integration. She recommended that affirmative action measures to increase the participation of minorities in the political parties be considered, such as quotas or numerical objectives (in a range of 20 to 40 per cent) or financial incentives but was unsure whether this should be achieved voluntarily by the parties, or through the Canada Elections Act.

Mr. Cardozo, for the Ethnocultural Council, also recommended that the parties encourage affirmative action policies to increase the number of candidates from ethnic and visible minorities in winnable ridings as well as increasing the participation of minorities within the party organizations.

Professor Simard said it was normal that there would be some backlash once minority groups started to work together to challenge for power within the parties. However other intervenors, from minority groups, expressed concern.

Mr. Constantine Karayannopoulos and Mr. Peter Dotsikas from the Toronto Greek Community objected to "power brokers" from

ethnic communities mobilising support for a candidate or for leadership delegates, and then not making room for further activity in the party by the people who had taken part. They suggested that, to reduce the influence of the power brokers and to help integrate people from ethnic communities into the parties, membership lists be frozen three or six months before delegates or candidates are selected. They warned that people from ethnic communities had legitimate aspirations and that the existing system was ready to explode.

Ms. Albina Guarnieri, MP for Mississauga East, also argued that the parties should make room in their organizations for ethnic communities which, she said, had been abused politically in the past but were now coming of age. She called for Elections Canada to regulate the nomination process to maintain its integrity and recommended that people be required to be party members for a year in order to vote for leadership delegates, so as to avoid vested interest groups taking over.

The World Sikh Organization also called for reforms in the party nomination process, arguing that democracy is not served by using minorities as pawns to be exploited and then forgotten in the game of leadership. Its representatives urged that the vote at nomination meetings be restricted to persons who are citizens and at least 18 years of age, rather than the present party standard of 14. To be fair among parties, they recommended that the minimum age for party members be established through the Elections Act.

The WSO recommended against a primary election process on the U.S. model because it would be too long and costly. Mr. Karayannopoulos and Mr. Dotsikas took the opposite view, suggesting that one way to open up the nomination process to people from ethnic communities would be to make it more like the U.S. system of primaries.

Related Issues:

Related issues include Elections Canada structure and operations, official language issues, public information and education, nomination of candidates, leadership campaigns, literacy issues, aboriginal issues, enumeration issues, and ballot and voting procedures.

Intervenors:

Professor Carolle Simard, University of Quebec at Montreal
(Montreal, April 11)

The Ontario Advisory Council on Senior Citizens (Toronto, May 8)

Ms. Kathleen Kevaney, London Cross Cultural Learner Centre
(London, May 8)

Ms. Debra Wong, organizer in Calgary's Chinese community
(Calgary, May 22)

Ms. Karin Kuhl, Winnipeg-North Centre Liberal Party (Winnipeg,
May 29)

Mr. Constantine Karayannopoulos and Mr. Peter Dotsikas (Toronto,
May 31)

Mr. Garfield Warren, provincial M.H.A. for the riding of Torngat
Mountains (St. John's, June 6)

Ms. Albina Guarnieri, MP, Mississauga East (Ottawa, June 12)

Mr. Derek Lee, MP, Scarborough Rouge River (Ottawa, June 12)

Mr. Andrew Cardozo, Canadian Ethnocultural Council (Ottawa,
June 13)

Ms. Alice Basarke and Mr. Attar Chawla, World Sikh Organization
of Canada (Ottawa, June 13)

Ms. Madonna Larbi, National Organization of Immigrant and Visible
Minority Women of Canada (Ottawa, June 13)

ROYAL COMMISSION ON ELECTION REFORM

Summary of issues from hearings*

WORKING DOCUMENT

35. LITERACY ISSUES

Key issues:

- * How can information about the electoral process be communicated more effectively to Canadians who are illiterate?
- * What changes to election material, voting procedures and the ballot should be made in order to make voting more accessible for Canadians who are illiterate?

Background:

The basic elements of Canadian election practise were developed at a time when the majority of the population had less than a grade 9 education and would therefore, by today's standards, be classed as illiterate. Today, an estimated 24% of the population or 4 1/2 million adult Canadians are considered to be functionally illiterate.

The Elections Act makes one specific reference to literacy. It allows someone who is illiterate to swear an oath that they are "unable to read" and then to either bring a friend to assist at the polls or to have the assistance of the DRO in voting. The form of the ballot prescribed in the Act is designed to reduce the possibility of error by putting the space for voting for a candidate against a black background.

Suggested alternatives:

Voting procedure:

To assist people who are illiterate in voting:

- Put each candidate's photograph on the ballot;

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- Put the party symbol or logo and/or the party colour on the ballot together with the name of that party's candidate;
- Put up a poster in each polling station with the name, photograph and party symbol of each candidate in that constituency;
- Use a video in each polling station to show the name, photograph and party symbol of each candidate in the riding along with easily understood information about the electoral process.
- Simplify the process by which people who cannot read request assistance to vote so they are less conspicuous in asking for help;
- Provide election officials with more training in helping people who are illiterate with the voting process.

Electoral information:

To provide more information about the electoral process to people who are illiterate,

- Make election materials available in forms which are plainly written and easy to read;
- Encourage the parties to use their party symbol and colour on posters and literature in ways that co-ordinate with the use of their symbol and colour on the ballot;
- Encourage the parties to make campaign material available in audio cassettes or in plainly written form;
- Make more use of the electronic media and less of newspapers in providing electoral information to the public;
- Make videos available about the electoral process for use by literacy groups and other community organizations;
- Create an educational package for use with adults focused on the electoral process;

- Seek the assistance of literacy groups, employers, and community organizations concerned with literacy to reach people who are illiterate with information about the electoral process;
- Establish a telephone "hot line" to provide electoral information.

Other:

- Do not bring in a permanent list if it involves self-registration on the U.S. model;
- Make voters liable to pass a literacy test in order to cast their vote.

Comments and proposals:

Some 15 intervenors, mainly from literacy groups, spoke to the Commission on literacy issues. As outlined above, their main concerns were to make the ballot and the voting process more accessible to the illiterate and to improve the way information about the electoral process is provided to this group.

Intervenors estimated that 24 per cent of Canada's population is illiterate and 28 per cent of the population of Quebec, using as a standard that people have less than a grade nine education. Ms. Andrea Bouchard of the Centre d'Alphabetisation de Jonquière estimated that 4 to 10 per cent of the population in Quebec is "completely" illiterate and one per cent is "totally" illiterate. The Yellowknife Chamber of Commerce estimated that 54 per cent of the population of the Northwest Territories, and 72 per cent of its native population, is illiterate.

The consequences of illiteracy, according to intervenors, is that people may not realize they have received a voting card and therefore may miss their vote; they may not be able to find the location of their advance poll or polling station, or whether they have been correctly entered on the voters' list; and they may find changes in constituency boundaries or polling divisions confusing. A spokesman for the Newfoundland and Labrador Association for the Deaf estimated that 60 per cent of deaf Canadians are illiterate and that for many, their first language is American Sign Language rather than English.

Mr. Gaston Poiré of the Commission scolaire des draveurs, in

Gatineau, P.Q., judged that many illiterate Canadians abstained from voting because of the problems that were involved. However, the clerk of the Legislative Assembly of the Northwest Territories, an area of high illiteracy, noted that turnout in territorial elections is a relatively high 71 per cent of the eligible voters.

The solution most often cited was to put candidates' photographs on the ballot, although the Ontario Literacy Coalition noted that this could introduce a bias based on the ethnic background of different candidates. Several intervenors supported either putting the party symbol or party colour on the ballot with each candidate's name.

Mr. Poiré suggested putting a poster with each candidate's photo in every polling station as an alternative to a photo ballot, while the PEI Literacy Council suggested having a video in each polling station showing the face of each candidate and a voice message telling people how to vote for that candidate. Asked to choose, Ms. Andrea Bouchard of the Centre d'Alphabétisation said people who were illiterate would prefer having a photo of the candidate on the ballot to having the party logo.

Ms. Laura Mair of the PEI Literacy Council criticised the present provisions of the Act for electors who are unable to mark the ballot, because they make it so obvious to other people that the voter cannot read. The Newfoundland and Labrador Association of the Deaf said it would be helpful if deaf people could get a form prior to the election saying they were deaf, in order to help them get assistance in voting on election day. The Greater Moncton Literacy Council urged that election officials be trained to help and not be condescending in assisting people who are illiterate.

The recommendations with respect to electoral information are set out under alternatives and are largely self-explanatory. Mr. Poiré noted that most people who cannot read can use the telephone and urged that election information therefore emphasize the telephone number as well as being made public through the electronic media. Ms. Bouchard told the Commission that television was the number one source of information for the illiterate, more than the radio, and that newspapers were hardly read.

Ms. Marian Zaichkowski of the Greater Moncton Literacy Council urged that Elections Canada use radio advertising to alert people to its videos explaining election procedure on the Parliamentary Channel, because many people were not aware of

them. Mr. Stephen Whipp of the Western Arctic New Democrats criticised the dense prose of official election documentation. He also criticised televised information prepared by Elections Canada, saying it consisted of a written script backed by music and did not take advantage of the communications potential of television.

The suggestion to use community groups to circulate electoral information to people who are illiterate came from the Regroupement des groupes populaire en alphabétisation, the Yukon Literacy Council, and the Ontario Literacy Coalition. The Sudbury Literacy Coalition recommended the use of a literacy "hot-line" such as one that it operates in order to provide elections information, but the Ontario Literacy Coalition was sceptical and said it was more important to provide education about the electoral process through community groups.

The Sudbury Literacy Council saw little difference in the effect on the illiterate between an enumeration system and a permanent list such as exists in the United Kingdom, but warned against using any form of voluntary registration such as is found in the United States.

An Edmonton intervenor, Mr. Cameron Donald, suggested that DROs be allowed to require voters to take a reading test, in order to ensure that voters can make an educated choice. This would avoid a situation where voters were told who to vote for, he contended. Commissioners questioned his suggestion.

Related issues:

Related issues include public information and education, staffing and pay of ROs and election staff, broadcasting: general issues, mentally handicapped, aboriginal issues, ethnic community issues, disabled and handicapped voters, enumeration issues, and ballot and voting procedure.

Intervenors:

Mr. Gaston Poiré, Commission scolaire des Draveurs (Ottawa, March 12)

New Democratic Party (Ottawa, March 12)

Canadian Labour Congress (Ottawa, March 12)

Senator Norman Atkins (Ottawa, March 12)

Mr. Marian Zaichkowski, Greater Moncton Literacy Council
(Moncton, March 20)

Laura Mair, PEI Literacy Council (Charlottetown, March 21)

Mrs. Christiane Fabiani, Regroupement des groupes populaires en
alphabétisation (Montreal, April 11)

Ms. Andrea Bouchard, Centre d'Alphabétisation de Jonquière
(Chicoutimi, May 1)

Ms. Heather Segsworth, Sudbury Literacy Council (Sudbury, May 9)

Ms. Mary Louise Fournier, Yukon Literacy Council (Whitehorse,
May 14)

Mr. Cameron Donald (Edmonton, May 23)

Ms. Dorothy Barkley, Yellowknife Chamber of Commerce
(Yellowknife, May 24)

Mr. Stephen Whipp, Western Arctic New Democrats (Yellowknife,
May 24)

Ms. Tracey Westell, Ontario Literacy Coalition (Toronto, May 30)

Mr. Myles Murphy, Newfoundland and Labrador Association of the
Deaf (St. John's, June 6)

Ms. Maybelle Durkin, Canadian Home and School and Parent-Teacher
Federation (Ottawa, June 11)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

36. NORTHERN AND REMOTE RIDINGS

Key Issues:

- * How can elections best be organized in order to meet the special needs of people living in northern and remote ridings?
- * Should there be special financial arrangements to help meet the additional costs of campaigning in northern and remote areas?

Background:

Northern and remote ridings receive a limited amount of special treatment in the electoral law. Candidates are allowed to spend up to 25 per cent more per elector than in other areas in order to help compensate for the additional costs of campaigning in these ridings. This can also increase the reimbursement of expenses for those candidates who receive sufficient votes. Special allowances are provided for MPs from these ridings in order to help with travel and other expenses not found in smaller southern ridings.

Two electoral districts have been created in the Northwest Territories for a population of about 52,000 people. The Yukon, with a population of 23,000, is also a separate riding. Labrador has been made a separate riding with a population of 29,000. This was achieved by increasing the population of a number of other Newfoundland ridings above the provincial quota.

Northern ridings in other provinces fall within the bounds of the electoral quotient for that province. The 1986 population of sparsely settled northern ridings within the provinces ranged from 57,000 (Manicouagan) to 87,000 (Abitibi).

The costs of running elections in remote and northern ridings are higher than the average because of special arrangements which must be made to deal with the problems of communications and of distance. Northern, urban communities are treated the same as in the south for the purpose of enumeration and voter registration; advance polls are likewise permitted only

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

in communities of 1,000 or more, even if this makes them inaccessible to many people living in smaller communities; and special advance voting is permitted only at the returning office, as in southern Canada, even if this office is inaccessible to a large number of people in a northern riding. Proxy voters are not required to go to the Returning Office to be qualified to vote in 26 ridings which are exceptionally large, and which are listed in Schedule III of the Act.

Suggested alternatives:

Broadcasting:

- Provide more free time for candidates during an election period through the CBC Northern network;
- Allow local candidates to buy advertising on CBC North even though this is not permitted by CBC policy in southern Canada;
- Lift the restrictions on native radio and TV broadcasters selling advertising time to candidates at the time of elections;
- Have northern broadcasters sponsor and organize an all-candidate's debate for candidates in the Northwest Territories;

Election period:

- In view of the time required to campaign in the north, do not reduce the election campaign period even if a permanent list is introduced;
- Keep the election period at 35 to 40 days even if enumeration takes place before the election;

Elections Canada organization:

- Adapt Elections Canada procedures to meet the special needs of northern and remote ridings;
- Allow candidates access to fax machines located in government offices in remote communities during the election period;
- Use space in a store, hotel or mine office for polling if this is the largest and most accessible building in a remote community;

Enumeration:

- Class all polls in northern and remote ridings as rural so that residents of towns in these areas can still be registered to vote on election day;
- Do/Do not move to a permanent voters' list to assist with the problems of enumeration in northern areas;
- Post voters' lists in small northern communities rather than risking delay by sending people their notification to vote by mail;

Handicapped:

- Allow the ballot box to be brought to a voter outside the polling station when an accessible polling station cannot be found;
- Locate polling stations in accessible public buildings wherever possible;
- Do not provide level access in remote areas if there is no need in the community;
- Have enumerators in remote areas check if level access may be required by any voters in their poll;

Language:

- Provide election material and ballots in native languages or in Inuktituk depending on the population served;
- Put up a photo of each candidate on a poster at each polling station, or on the ballot;
- Let voters make use of an oral ballot if needed;
- Make more effort to explain the electoral process to aboriginal and other northern voters;

Nominations:

- Allow signatures on nomination forms to be transmitted by facsimile machine;

- Allow a competent person in each community to accept nomination papers rather than requiring them to be filed in person at the returning office;
- Reduce (or increase) the number of signatures needed for nomination from the present requirement of 25;

Redistribution:

- Ensure that the Electoral Boundaries Readjustment Act's requirement that constituencies be of a "manageable geographic size" is respected;
- Keep at least two seats in the Northwest Territories;
- Create a third riding of Nunavut in the Northwest Territories, located in the Inuit area of the eastern Arctic;
- Create a single federal riding in Northern Quebec rather than splitting the area into two ridings linked to southern cities;

Spending:

- Increase the spending limits on campaigns in northern Canada;
- Reimburse a higher percentage of campaign expenses in northern and remote ridings than in southern Canada;
- Provide candidates with a travel subsidy to help offset the high cost of campaign travel in northern and remote ridings;
- Have the parties provide funds to northern candidates to help them meet the high costs of campaigning in their constituencies;

Voting:

- Provide mobile polls to serve isolated groups of voters as is the practise in Australia;

- Use a mail-in ballot instead of locating a polling station in areas with less than 25 voters;
- Allow electors to vote in advance through a mail-in ballot or by tendering their vote through the DRO in their area;
- Simplify the proxy voting process and allow its use by any voter who will be unable to vote on election day;
- Allow a voter who expects to be isolated in the bush to authorize a proxy vote before the election is called;
- Allow advance voting at RCMP detachments and other government offices as well as at advance polls.

Comments and proposals:

The problems of geography and of communications and the unique circumstances of sparsely settled areas formed a part of almost every submission to the Commission related to northern and remote ridings.

Candidates and local riding associations noted the costs of campaigning in areas where a return trip between two parts of a constituency could cost as much as \$800 (Iqaluit to Pond Inlet) and where one riding (Nunatsiaq) covers four time zones. In southern Canada, many of the settlements in Burin-St. George's riding in Newfoundland are accessible only by boat and the two main population centres are located 720 kilometres apart by a road that passes through three other federal ridings.

Intervenors in Churchill and the Western Arctic ridings noted that it was impossible for a candidate to visit all the communities in the riding in the course of the campaign period. The Liberals in the Western Arctic noted that while some people in the riding are well paid, about half live in small and isolated communities, many at a subsistence level.

A wide range of proposals was offered in order to meet the special needs of northern ridings. There was particular concern with the costs of campaigning; with arrangements for advance polls and voter registration; for using native languages on election material and on the ballot; and for giving local campaigns in the north more access to the broadcast media.

Spending:

The major concern over election finance was making spending limits high enough to be realistic and to find means to pay the bills. Several intervenors at the Thompson hearing, in Churchill riding, spoke to the difficulties of fund-raising in a northern riding and said that it was very hard to collect donations from people outside the larger towns. In addition, there was less time to raise funds because of the difficulties of running a campaign in a large, spread-out riding.

In Yellowknife, intervenors for all three parties recommended increased spending limits, with the NDP making a specific proposal for an \$8,000 increase. The Western Arctic Liberals recommended a specific subsidy for a candidate's travel expenses while the Conservatives suggested a higher rate of reimbursement of expenses be given to northern candidates. In Iqaluit, the Baffin Regional Inuit Association recommended that the parties provide their candidates with more funding because of the high costs of campaigning in the north.

Voting:

Intervenors were very critical of the rule that advance polls be provided only in communities of 1,000 or more. In Churchill riding, one of the locations chosen was accessible to people in surrounding communities only by charter flight. In Yellowknife, the Western Arctic NDP spoke of meeting voters at the airport and taking them to the returning office between flights so that they would not lose their vote through being absent from the NWT on holiday or on business on election day.

As a solution, the Western Arctic Liberals proposed that there be more advance polls; the Churchill NDP recommended that people be able to cast an advance vote through the local DRO and the RO for the Western Arctic recommended that people be allowed to vote in advance, using an envelope system, at RCMP detachments and other government offices. Ms. Mary Hodder, RO for Burin-St George's, noted that special voting before election day is only allowed at the returning office and recommended that it also be allowed at sub-offices established by the RO. Mr. Richard Cashin, in St. John's, asked that special arrangements for voting be made for deep sea fishermen who are often away from home for most of an election period.

A number of intervenors recommended that the proxy system be simplified and made more easily accessible. Mr. Patrick Michael, CEO for the Yukon, said the Yukon intended to make a proxy vote available to anyone who would be outside the Yukon on election day. The Yukon also planned to use a mail vote rather than

establish polling stations for people in sparsely settled districts and to provide a proxy which trappers and other bush workers could assign even before an election was called. However, the Yellowknife Chamber of Commerce expressed some reservations about whether mail service in the NWT is sufficiently reliable for a mail-in ballot.

Mr. David Hamilton, Clerk of the NWT Legislative Assembly, noted that the territory had adapted Australia's use of a mobile poll before election day in order to take ballot boxes by air to eligible voters in fishing or hunting camps or in inaccessible isolated communities. Mr. Garfield Warren, a Newfoundland MHA, recommended that this service be provided for the large number of summer fishing communities to which people moved in his district in northern Labrador.

Language:

Most of the intervenors from the eastern Arctic recommended that election material be distributed in Inuktituk and that the Inuit language also be used on the ballot. Mr. Warren, whose constituents are 70 per cent Inuit or Innu, made the same recommendation and urged that election officials be able to communicate in Inuktituk or Innu depending on the polling station.

Mr. Hamilton noted that the Northwest Territories has recognised seven native languages as official languages. Since 1979 a placard with photographs of every candidate has been posted in polling stations in NWT elections. Both the NDP and the Liberals in Yellowknife recommended the use of native languages on the ballot, with the NDP also recommending the use of an "oral ballot" which would be read to an elector before they made their choice.

Broadcasting:

The CBC was strongly criticised for its policy of not allowing local campaign advertising on its northern network serving the NWT, because no private stations exist to provide an alternative means of broadcast advertising.

The Western Arctic Liberals said the CBC policy was designed for southern Canada and was not appropriate for the North. Intervenors noted that native broadcasting stations also did not carry advertising because of their CRTC license or their transmission agreements with the CBC. In addition to allowing advertising, a number of intervenors recommended that the CBC allocate more free time to candidates rather than confining its

local election coverage to news broadcasts controlled by its own staff.

Mr. Michael McEwen, for the CBC, said it had been having discussions on the north since 1979 and promised to send the CBC's thoughts on the issue to the Commission. Mr. Patrick Nagle, speaking for the CBC in Iqaluit, said it was the CBC's policy not to sell time to the parties beyond that which is required by law. There are provisions for remote regions to have more free time, but in the last election the CBC decided not to make more free time available, but instead to increase its news coverage of the local campaigns.

Redistribution:

Intervenors in Churchill riding, which includes half the land area of Manitoba, criticised the addition of 15 isolated communities on the east shore of Lake Winnipeg to their riding in the last redistribution. These communities are accessible only by air via a flight through Winnipeg. Ms. Leona Mayer, for the Churchill NDP, contended that the Redistribution Act's requirement that ridings be of a "manageable geographic size" had been ignored.

In Iqaluit the Baffin Regional Inuit Association and Mr. Bryan Pearson, a former Conservative candidate, recommended the creation of a new NWT riding of Nunavut to bring the total for the territories to three seats. This idea was opposed by the Iqaluit Chamber of Commerce.

Intervenors in Kuujjuaq contended that the MPs for Abitibi and Manicouagan ignored their constituents in northern Quebec and recommended that this area be made a separate constituency. Makivik Corporation specifically recommended amending the Electoral Boundaries Readjustment Act to direct boundaries commissions to recommend electoral boundaries which will "fully accommodate the community of interest or the community of identity in northern regions" and that this provision should override other sections of the Act.

Other issues:

Recommendations on other issues affecting northern ridings are outlined in the summary of suggested alternatives. The RO in Churchill wanted the election period extended and a number of intervenors urged that it not be shortened because of the time needed to campaign in the north.

A number of intervenors spoke of the problems of enumeration in the north because of its mobile population and the number of

people who moved frequently from rural areas into the towns and back. The Yukon Literacy Council contended that population movements in the north were too fluid to permit a permanent voters' list, but the Western Arctic Liberals favoured a permanent voters' list. As one solution, several intervenors recommended that voters in urban as well as rural areas in the north be allowed to swear in to vote on election day.

The Western Arctic NDP complained of the cost of having to collect nomination forms by courier because fax was unacceptable, while the Iqaluit Chamber recommended that nominations by fax be allowed. Mr. Hamilton, of the NWT Assembly, suggested as an alternative that a competent person in each community be allowed to accept nomination papers.

The Western Arctic Liberals noted that fax machines are often available in small communities only in government offices, and recommended that they be available to candidates during election campaigns. Ms. Cairns asked that Elections Canada allow ROs to use telephone answering machines and computers and Mr. Walsh, RO in Churchill, complained that ROs are not paid for the large number of voters added to the list through revision or voting day registration in northern ridings.

Election officials generally complained that Elections Canada rules for southern ridings are hard to apply in the north. Councillor Ken Collin, in Thompson, recommended using hotels or stores for polling stations because these were often the largest and most accessible buildings in a northern community.

Related issues:

Related issues include Elections Canada operations, staffing and pay of ROs and election staff, advertising and free time, redistribution issues, public funding issues, local riding finance and organization, civil rights and political rights, aboriginal issues, election hours, advance, proxy and mobile voting, enumeration issues, permanent voters' list, ballot and voting procedure, revision and election day registration, and spending and accounting issues.

Intervenors:

Professor Stewart Hyson (Fredericton, March 19)

Ms. Elizabeth Reagh, lawyer (Charlottetown, March 21)

Mayor Gordon Campbell of Vancouver (Vancouver, March 27)

Ms. Leona Mayer, NDP official agent, (Thompson, April 20)

Mr. Richard Whidden, PC Riding Association of Churchill
(Thompson, April 20)

Mr. Alex Murchie, Official Agent to Liberal candidate (Thompson,
April 20)

Mr. Lyle Walsh, RO, Churchill (Thompson, April 20)

Mr. Robert Wall (Thompson, April 20)

Mr. Ken Collin, councillor (Thompson, April 20)

Ms. Margaret Pronyk, President, Thompson Chamber of Commerce, and
Ms. Bunny Kane, Director (Thompson, April 20)

Ms. Suzanne Côté, RO (Chicoutimi, May 1)

Mr. Patrick Michael, CEO for Yukon (Whitehorse, May 14)

Mr. Graham McDonald, Yukon NDP (Whitehorse, May 14)

Ms. Mary Louise Fournier, Yukon Literacy Council (Whitehorse,
May 14)

Mr. David Hamilton, Clerk of the Legislative Assembly
(Yellowknife, May 24)

Ms. Dorothy Barkley, Yellowknife Chamber of Commerce
(Yellowknife, May 24)

Ms. Rosemary Cairns, RO, Western Arctic (Yellowknife, May 24)

Mr. Stephen Whipp, Western Arctic New Democrats (Yellowknife,
May 24)

Mr. Ewan Cotterill and Ms. Lynda Sorenson, Western Arctic Liberal
Association (Yellowknife, May 24)

Western Arctic PCs (Yellowknife, May 24)

Mr. Garfield Warren (St. John's, June 6)

Mr. Richard Cashin, Fisheries Food and Allied Workers (St. John's
June 6)

Ms. Mary Hodder, RO, Burin-St. George's (St. John's, June 6)

Mr. Michael McEwen, Canadian Broadcasting Corporation (Ottawa, June 13)

Mr. Duncan Cunningham, Baffin Regional Inuit Association, (Iqaluit, July 23)

Mr. Tikile Kleist (Kuuujjuaq, July 24)

Mr. Jean Guy Bousquet, Kativik Regional Government (Kuuujjuaq, July 24)

Mr. Zebedee Nungak, Makivik Corporation, (Kuuujjuaq, July 24)

Mr. Al Woodhouse (Iqaluit, July 23)

Mr. Abe Okpik (Iqaluit, July 23)

Ms Cheri Kinnear, Iqaluit Chamber of Commerce (Iqaluit, July 23)

Ms Jeanne Mike (Iqaluit, July 23)

Mr. Bryan Pearson (Iqaluit, July 23)

Mr. Matthew Spence, Nunatsiaq News; Ms Lynda Gunn, Inuit Broadcasting Corporation; Mr. Patrick Nagle and Mr. Simon Awa, CBC Northern Service (Iqaluit, July 23)

Ms Yvonne Earle, Baffin Women's Association (Iqaluit, July 23)

Mr. Pudloo Mingeriak and Ms Meeka Kilabuk, Baffin Regional Council (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

37. WOMEN IN POLITICS

Key issues:

- * What steps should be taken to overcome the obstacles which women face in gaining nomination and in participating actively in politics?
- * Should a system of proportional representation or of dual-member ridings be used in order to ensure a more equal number of women in the House of Commons?
- * Should party nominations be regulated by Elections Canada or should spending on nomination campaigns be limited in order to improve the chances of women becoming candidates in winnable ridings?

Background:

Women are under-represented in the legislatures of almost every industrial democracy, and Canada is no exception. In the 1988 election, 39 women were elected out of 295 MPs or 13 per cent, the highest proportion achieved to date in Canada. Women MPs were 3.6 per cent of the membership of the House of Commons in 1979 and 0.4 per cent in 1968. In the most recent elections to their lower houses, the proportion of women deputies elected was 6 per cent in the United Kingdom, 6 per cent in France, 15 per cent in West Germany, 10 per cent in the United States, 15 per cent in the Soviet Union, 34 per cent in Norway, 32 per cent in Finland, 31 per cent in Sweden, 15 per cent in Ontario, 18.4 per cent in Quebec, 11 per cent in New York, 6 per cent in Florida, 28 per cent in Wisconsin and 29 per cent in Colorado.

The Elections Act makes no specific reference to women and contains no provisions with respect to the party nomination process apart from the requirement that a party's candidate must be endorsed by the party leader. In legal terms, women are treated equally to men with regard to nominations and election to Parliament.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

Suggested alternatives:

Representation:

- Introduce proportional representation as a means of increasing the number of women elected to Parliament;
- To ensure greater equality, provide that half the seats to be elected by proportional representation be for women;
- Elect MPs on the basis of a reduced number of dual-member constituencies with one male and one female MP elected per riding.

Nominations:

- Limit spending by candidates for party nominations so as not to disadvantage women candidates;
- Reimburse candidates for all or part of the costs of their campaign for a party nomination;
- Provide tax credits for donations to nomination campaigns on the same basis as to election campaigns;
- Regulate the nomination process to provide for spending limits, disclosure, and minimum qualifications of eligible voters;
- Require through legislation that the parties adhere to their own rules for the conduct of nominations for federal office.

Financial:

- Increase public funding for local campaigns and set strict limits on spending to make it easier for women to run for office;
- Reimburse election expenses on a differential basis (75 per cent for men, 100 per cent for women) to encourage women's involvement in electoral politics;
- Provide additional support for women candidates to help meet the costs of child care;

- Provide tax credits for women to help offset income lost while seeking a nomination;
- Limit spending by candidates during the pre-election period before the writs are issued;

Affirmative Action:

- Encourage the political parties to introduce affirmative action programs to increase the political participation of women;
- Provide financial incentives to the parties to encourage them to provide more equal access to party positions and to candidacies for women;
- Institute awareness programs to promote the participation of women in politics along the lines of other awareness programs in such areas as race relations and Participation;
- Treat unpaid volunteer work in election campaigns by women as a political donation, in order to improve the recognition given to women's political involvement;

Other:

- Revise the Elections Act to make its language non-sexist;
- Give employees the right to unpaid leave to seek nomination and to stand for federal office and allow a successful candidate to take further unpaid leave while in office for up to six years;
- Allow women living in a women's shelter to be enumerated without publicly disclosing their address.

Comments and proposals:

The key issues raised by intervenors with respect to women in politics were the structural or systemic barriers faced by women seeking to participate in political life, and overcoming the obstacles to women getting nominations in winnable ridings.

Ms. Libby Burnham of the Committee for '94 noted that since Agnes MacPhail's election in 1921, only 100 women had been

elected to Parliament in Canada. With rare exceptions, women did not have the financial networks to pay the cost of a nomination campaign in seats that could be won. Ms. Denise Falardeau of Chicoutimi, a national vice-president of the Conservative Party, expressed frustration at her efforts to expand the role of women in her party, noting that there were only six women riding presidents in the party in Quebec, the same number as six years ago. The Fédération des Femmes du Québec estimated that at the current rate it would take women 45 years to achieve equality in the House of Commons.

Some intervenors contended that many of the barriers to women in politics are comparable to the barriers facing them in other careers. These include: sex-role stereotyping; the difficulty of juggling career, family and political responsibilities; problems of child care; jobs that are less flexible for entering politics than those held by men; negative attitudes from within the parties and the fact that men tend to have better networks to help them in politics than women.

These factors translate into a particular problem of lack of financial resources for women to seek nominations in winnable ridings. Ms. Wendy Williams, of the Provincial Advisory Council on the Status of Women for Newfoundland and Labrador, said that women were rarely offered safe seats and must therefore run as sacrificial lambs in ridings where there is no hope, or must spend large sums to contest a nomination. Ms. Marie Marchand contended that there is a bias against women within the parties and that women are not nominated in constituencies where they have a chance of election. After running twice for the Conservatives in Nipissing riding in 1979 and 1980, Ms. Marchand lost the nomination in 1984, the year her party won the riding.

The Baffin Womens' Association, in Iqaluit, underlined the additional problems faced by northern women in securing nominations and winning elections because of the difficulties and the high costs of running campaigns in the North.

Professor Jill Vickers expressed concern that while other significant groups had gained political representation fairly quickly, Canadian women still faced many, many years before they achieved equality. Representation in Canadian politics was tied to geography; this system ensured that attributes such as language, race, ethnicity and class, which are geographically based, tended to get represented but this did not apply to gender.

Professor Vickers, and other intervenors, also contended that a higher proportion of women than of men were disaffected or alienated from electoral politics. These women felt the

political system was not an equal opportunity system and that there were dirty tricks played against women candidates even in "lost cause" ridings.

Professor Vickers recommended that in the long run, Canada consider adopting a system of proportional representation in which half of each province's seats would be designated for women and half for men. This proposal was also put forward by Professor Howard Leeson and a group of political scientists from the University of Saskatchewan in Regina and by a former Green Party candidate, Mr. Sylvain Auclair.

The National Advisory Council on the Status of Women recommended achieving equality for women in the House of Commons by a system of dual-member ridings with one man and one woman MP per riding. This was also proposed by the Fédération des Femmes du Quebec and in Kamloops by Mr. Howard Johnston, a former Liberal MP.

Professor Vickers said that putting the nomination process under electoral law would be the single greatest contribution the Commission could make to allowing women more access to the political process. It would be a step forward even if the parties were simply required to obey their own rules for nominations under electoral law.

The National Advisory Council also recommended that the nomination process be regulated to provide for spending limits, disclosure, and minimum qualifications for eligible voters, as did Ms. Marchand and the Sudbury Business and Professional Women's Club. The NAC suggested further that employees be entitled to unpaid leave to seek a nomination as well as to stand for an election. The Newfoundland Advisory Council recommended a spending limit on nomination campaigns while the Fédération des Femmes du Québec and Ms. Maureen McTeer recommended that donations to election campaigns be eligible for tax deduction or for tax credits. Former MP Lynn McDonald, drawing from her personal experience in the 1988 election campaign, recommended that campaign spending by a candidate be limited during the pre-election period as well during the election proper.

With respect to the cost of campaigns, the NAC recommended that reimbursement of campaign expenses be raised to 75 per cent for men and 100 per cent for women candidates, and that parties whose candidates are at least 50 per cent women should have their campaign expenses reimbursed at a rate of 50 per cent rather than 22.5 per cent. Professor Carolle Simard also recommended providing financial incentives to political parties to encourage greater access for women.

The Committee for '94 recommended more public funding as a means of encouraging women candidates while the Nova Scotia Advisory Council called for strict limits on campaign spending to make politics more accessible to women. Ms. Williams of the Newfoundland Advisory Council noted that special funds set up by the three parties to help women pay their election expenses provided each candidate with between \$500 and \$600. None of these funds is intended to assist women with the costs of seeking a nomination. The Baffin Womens' Association recommended that women have additional support as candidates to help pay the cost of child care for young children.

Many of the proposals designed to assist women in politics were for various forms of affirmative action, either by encouragement or financial incentives. Ms. Gwen Landolt of R.E.A.L. Women disagreed with this approach. She said she did not think people should vote by gender and the evidence was that women could get elected if they were competent and able.

The recommendation to eliminate "linguistic sexism" from the language of the Elections Act came from the Nova Scotia Advisory Council. This group also recommended that unpaid volunteer work by women in election campaigns be assigned a monetary value and be treated as a political donation, as a means of recognizing women's unpaid labour as a form of political involvement. Its spokesperson noted that doing volunteer work does not lead to advancement for women in political parties, because the assumption is made that women have a role to play in a party, but not as active and viable candidates.

Related issues:

Issues related to women in politics include public information and education, public funding issues, tax credit and related issues, electoral system: general issues, election law and enforcement, leadership campaigns, local riding finance, nomination of candidates, regulation of political parties, civil rights and political rights, and enumeration issues.

Major intervenors:

Committee for '94 (Toronto, May 8)

Ms. Debi Forsyth-Smith, Nova Scotia Advisory Council on the Status of Women (Halifax, June 4)

Ms. Wendy Williams, Provincial Advisory Council on the Status of Women for Newfoundland and Labrador (St. John's, June 6)

Dr. Chantal Maillé, Fédération des femmes du Québec (Ottawa, June 11)

Dr. Glenda Simms, National Advisory Council on the Status of Women (Ottawa, June 11)

Ms. Maureen McTeer, Conservative candidate (Ottawa, June 12)

Professor Jill Vickers, Carleton University (Ottawa, June 13)

Ms. Yvonne Earle, Baffin Women's Association (Iqaluit, July 23)

Other intervenors:

Ms. Judy Whitaker, PEI NDP (Charlottetown, March 21)

Ms. Angie Cormier, P.E.I. Advisory Council on Status of Women (Charlottetown, March 21)

Mr. Sylvain Auclair, Green Party (Montreal, April 10)

Professor Carolle Simard, University of Quebec at Montreal (Montreal, April 11)

Professors Howard Leeson, Ray Sentes, Lorne Brown, Gerry Sperling, and Dan de Vlieger, University of Regina (Regina, April 18)

Saskatchewan NDP (Regina, April 18)

Professor Louise Quesnel (Quebec City, April 30)

Ms. Monique Larouche-Morin, l'Association féminine d'éducation et d'action sociale (Chicoutimi, May 1)

Ms. Denise Falardeau (Chicoutimi, May 1)

Ms. Lynn McDonald, former NDP MP (Toronto, May 7)

Ms. Gwen Landolt, R.E.A.L. Women (Toronto, May 7)

Ms. Marie Marchand, former PC candidate (Toronto, May 8)

Ms. Anna Proulx (Sudbury, May 9)

Mr. David Winninger, lawyer (London, May 10)

Mr. Howard Johnston, former MP (Kamloops, May 15)

Ms. Debra Wong (Calgary, May 22)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

38. ELECTION HOURS AND SUNDAY VOTING

Key issues:

- * Should federal elections be held on Sundays, or Saturdays, or continue to be held on Mondays?
- * Should voting hours be staggered in different time zones so that the polls close at the same time across Canada?
- * Should the counting of ballots or the release of results be delayed in eastern Canada so that no election results are available until the polls close in the west?

Background:

Section 22 of the Elections Act fixes Mondays as the day for holding federal elections except when the Monday is a national or a religious holiday.

Section 35 fixes the hours of voting at 9 a.m. to 8 p.m. local time.

Section 51 directs that votes are to be counted immediately after the close of the poll. When the count is complete, the results are in effect made public when the DRO gives a statement of the poll to the candidates' agents. There is no provision in the Act to delay the count of ballots or to delay the announcement of results.

Bill C-79 proposed no change in voting hours, but did away with the prohibition on premature release of election results before the polls are closed in western Canada.

Suggested alternatives:

Day of election:

- Change the day for federal elections to a Sunday;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to JULY 24, 1990, but not on other Commission research.

- Hold federal elections on Saturdays;
- Maintain the status quo and continue holding federal elections on Mondays;
- Stagger the hours of voting and hold federal elections on a Sunday.

Hours of voting:

- Keep the present hours of voting of 9 a.m. to 8 p.m. local time;
- Stagger the hours of voting so that Canadians in different time zones all vote at the same time;
- Make voting hours more uniform to reduce the difference in poll closing times between east and west;
- Hold federal elections over two days;
- Shorten the hours of voting.

Release of results:

- Seal ballot boxes or delay counting ballots in eastern Canada so that results are not released before the polls close in the west;
- Delay announcing poll results in eastern Canada until the polls close in the west;
- Do not change the present arrangement whereby results are made public in each time zone as soon as the ballots are counted.

Comments and proposals:

Opinion among intervenors was divided but leaned in favour of Sunday voting. It was in strong support of various proposals to make voting hours uniform or to reduce the disparity in voting hours or in the release of results between eastern and western Canada. A number of intervenors saw Sunday voting as the means by which staggered hours for voting could be implemented.

Sunday voting:

There was a three to two margin among some 50 intervenors who expressed a preference in favour of holding federal elections

on a Sunday, and scattered support for moving the voting day to a Saturday. Support for Sunday voting was relatively strong among NDP and Liberal intervenors and among ROs who commented on the issue. It was very strong in Quebec, somewhat strong in Ontario, and fairly evenly divided among intervenors in Atlantic Canada, the Prairies and B.C. Labour representatives were lukewarm or opposed to the concept; Progressive Conservative intervenors were divided.

The arguments for Sunday voting were summed up by Mr. Jacques Menard of the Chamber of Commerce of Greater Montreal. He said Sunday elections would make it easier for citizens to arrange to vote, particularly in two-earner families; make it easier to use public buildings such as schools for polling stations; free most businesses from the need to release employees to vote; and help the political parties obtain volunteers to work on election day. Sunday voting would also make it possible to move to uniform voting hours across Canada.

These were the main arguments put forward by people supporting Sunday voting, with the strongest emphasis on making it easier for working people to vote; greater availability of party workers and election staff on a Sunday election day; and the ability to make voting hours more uniform.

Some intervenors commented that they did not see a conflict with people voting after they had been to church or while they were on their way to the beach with their family. Mr. André Marois, an RO in Quebec, commented that Sunday voting would do away with long line-ups at the beginning and the end of the voting day. Mr. Preston Manning, leader of the Reform Party, said he had no fundamental objection to looking at the Sunday option. Only two intervenors justified Sunday voting on the grounds that it would help increase voter turnout, while Professor Louise Quesnel, suggested that the turnout could be less.

The major argument against Sunday voting was religion. A number of intervenors argued that Sunday was the Lord's Day or that Sunday voting was just not acceptable in their region. It was also argued that Sunday is a day of rest, a family day, or that people would just not be available to vote because they were away at the beach. Intervenors in Sudbury and in Saskatoon cited the battle over Sunday shopping as their reason for opposing Sunday voting.

The Christian Heritage Party said that holding the election on a Sunday would deprive a party like theirs of essential workers such as volunteers and candidates who would not be participating because of their religious convictions. It would also bar people with religious convictions from working for

Elections Canada on election day. The CHP opposed holding elections on a Saturday because it is the Jewish sabbath. The Reformed Christian Business Organization in Toronto recommended against holding the election on any day that would affect the religious practises of any group, i.e., not on a Friday, Saturday or a Sunday.

Hours of voting:

Some two dozen intervenors called for uniform hours of voting or for voting hours to be made more uniform. While most of these intervenors were from western Canada, they also included the Canadian Labour Congress, the Association canadienne de la radio et de la télévision de langue française, MPs Pat Nowlan and David Dingwall from Nova Scotia, and the Greater Montreal Chamber of Commerce.

A smaller group, including the Calgary Chamber of Commerce, the Kamloops and the Yukon PCs, and the PEI NDP recommended that the count of ballots or the announcement of results in eastern Canada be delayed in order to ensure a more uniform release of election results across Canada. The Newfoundland PCs opposed uniform hours on the grounds that the results from Newfoundland would not be noticed if they were released at the same time as results from Quebec and Ontario.

A number of formulas was suggested for voting hours, including several proposals that the number of hours on polling day be reduced from 11 to 9 or to 8. The specific suggestions were as follows:

Close the polls at 9 p.m. in Ontario and Quebec and at 6.30 p.m. in British Columbia (Canadian Labour Congress);

11.30 a.m. to 8.30 p.m. in Newfoundland, 7 a.m. to 4 p.m. in B.C. (Christian Heritage Party);

Close at 10.30 p.m. in Newfoundland and 6 p.m. in B.C. (Association canadienne de la radio et de la télévision de langue française);

Vote over two days, with the polls open from 4 to 8 p.m. in the evening and from 8 a.m. to 4 p.m, the next day (Senator Paul Lucier);

Open the polls an hour later in Atlantic Canada and an hour earlier in B.C., then delay counting the ballots in eastern Canada (Mr. Paul Lewans, Regina);

11.30 a.m. to 8.30 p.m. in Newfoundland, 7.30 a.m. to 4.30 p.m. in B.C. (Hon. Alastair Gillespie, Institute for Political Involvement);

12.30 a.m. to 8.30 p.m. in Newfoundland, 8 a.m. to 4 p.m. in B.C. (Pat Nowlan, MP);

Hold the polls open for 24 hours (Radio station VOCM, St. John's).

A number of intervenors linked the two issues and said that Sunday voting was needed in order to have uniform voting hours.

Other issues:

The issue of time off for voting was barely touched during the hearings. Some labour groups expressed concern that the four hour provision for time off not be changed if election day is changed to Sundays, while some business groups echoed the Montreal Chamber's suggestion that holding the election on a Sunday would reduce the disruption of having to give employees time off to vote during the week.

Ms. Jan Zebrinski, Thompson, contended that the hours of voting on election day were unrealistic in some smaller communities because the polls were required to stay open all day even when all residents had voted. This was also mentioned as an issue with respect to prison voting where, for security reasons, it was recommended that polls not be kept open once all inmates have voted.

Mr. Lyle Walsh, RO for Churchill, noted that a mobile poll that operated on the train line between Thompson and the town of Churchill had to shut down because it did not fulfil Elections Canada's requirement that each poll must be open throughout election day.

Ms. Cheri Kinnear, Iqaluit Chamber of Commerce, expressed reservations about shortening the campaign period because of the time needed to visit every community in the Nunatsiaq riding. Ms. Jeanne Mike, a former elections clerk in the Iqaluit returning office, said the campaign would still need to be at least 35 or 40 days long even if enumeration were completed beforehand.

Mr. Bryan Pearson, a former Conservative candidate in Nunatsiaq, said it would take a minimum of 45 days to run a campaign in the riding using commercial airlines. The campaign could be shortened if candidates had chartered jets at their disposal for the entire campaign period.

Related issues:

The question of premature release of results is also dealt with in the summary of broadcasting issues. Other related issues include northern issues and election staffing. The question of the length of the election campaign is dealt with in connection with the permanent voters' list.

Intervenors:

The Greater Montreal Chamber of Commerce, the Christian Heritage Party and Senator Paul Lucier devoted the major part of their interventions to the issues of voting hours and Sunday voting. Otherwise most intervenors touched on the issue or discussed it in response to questions from the Commission.

In favour of Sunday voting:

New Democratic Party (Ottawa, March 12)

Ms. Suzanne Carriere, RO (Ottawa, March 13)

Mr. Theo Noel, RO (Fredericton, March 19)

PEI NDP (Charlottetown, March 21)

Ms. Pauline Deighan, RO (Charlottetown, March 21)

Mrs. Marguerite Balshaw, citizen (Victoria, March 26)

Liberal Party of Canada, Quebec Wing (Montreal, April 9)

Mr. Jacques Lavoie, former MP (Montreal, April 9)

Lise Bourgault, MP (Montreal, April 10)

Chamber of Commerce of Greater Montreal (Montreal, April 10)

Mr. Jan Davis, Westmount St. Henri Liberal Association (Montreal, April 11)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Mr. Louis Duclos (Quebec City, April 30)

Office des personnes handicapées du Québec (Quebec City, April 30)

Mr. Paul Charest, RO (Quebec City, April 30)

Mr. André Marois, RO (Quebec City, April 30)

Mr. Fern Coulombe, citizen (Chicoutimi, May 1)

Mr. David Winninger, lawyer (London, May 10)

Senator Paul Lucier (Whitehorse, May 14)

Mr. Nelson Riis, MP (Kamloops, May 15)

Mr. Vince Croswell, Kamloops PC Association (Kamloops, May 15)

Calgary Chamber of Commerce (Calgary, May 22)

Mr. Alan Clark, Mr. John Day, Ms Alice Killam, Mr. Sam Donaghey,
ROs (Edmonton, May 23)

Ms Karin Kuhl, Winnipeg-North Centre Liberal Party (Winnipeg,
May 29)

National Pensioners' and Senior Citizens' Federation (Toronto,
May 30)

Mr. Patrick Nowlan, MP (Halifax, June 4)

Mr. Michael Coyle, NS NDP (Halifax, June 4)

Opposed to Sunday voting:

New Brunswick Progressive Conservative Party (Fredericton,
March 19)

New Brunswick Liberal Association (Fredericton, March 19)

PEI Liberals (Charlottetown, March 21)

PEI PC Riding Associations (Charlottetown, March 21)

Mr. Sandy MacKay, PEI Federation of Labour (Charlottetown,
March 21)

Victoria Labour Council (Victoria, March 26)

Mr. Allan Garneau and Ms Rita Waenink, Christian Heritage Party
(Vancouver, March 27)

Mme Monique Dubuc-Vaillancourt, RO (Montreal, April 11)

PC Riding Associations, Saskatoon (Saskatoon, April 17)

Mr. Ed Whelan (Regina, April 10)

Ms. Margaret Pronyk and Ms Bunny Kane, Thompson Chamber of Commerce (Thompson, April 20)

Professor Louise Quesnel (Quebec City, April 30)

Ms. Monique Larouche-Morin, l'Association féminine d'éducation et d'action sociale (Chicoutimi, May 1)

Mr. W.F. Dean, Solicitor, City of Sudbury (Sudbury, May 9)

Ms Connie Harris, Green Party (Kamloops, May 15)

Mr. John Lakes, PC Riding Association for Capilano-Howe Sound (Vancouver, May 17)

Manitoba Federation of Labour (Winnipeg, May 29)

Reformed Christian Business and Professionals Organization (Toronto, May 30)

Ms. Debi Forsyth-Smith, NS Advisory Council on the Status of Women (Halifax, June 4)

Student Union Council of Memorial University of Newfoundland (St. John's, June 6)

Other intervenors:

Canadian Labour Congress (Ottawa, March 13)

Mr. John Bromley, RO (Ottawa, March 13)

Dr. David Ross, citizen (Moncton, March 20)

Ms. Barbara Craven, RO (Victoria, March 26)

Mayor Campbell (Vancouver, March 27)

Mr. Rod Laporte, MP (Saskatoon, April 17)

PC Riding Associations, Saskatoon (Saskatoon, April 17)

Mr. Fred Yeo, Regina-Wascana PC Riding Association (Regina, April 18)

Mr. Paul Lewans (Regina, April 18)

Ms. Jan Zebrinski, Business and Professional Women's Club
(Thompson, April 20)

Association canadienne de la radio et de la télévision de langue
française (Quebec City, April 30)

Mr. Tim Preston and Mr. Michael Lauer, Yukon Progressive
Conservative Association, (Whitehorse, May 14)

BC Restaurant and Food Services Association (Vancouver, May 17)

Mr. Jack Sirrs, Hotel Association of Canada (Vancouver, May 17)

Mr. Preston Manning, Reform Party of Canada (Calgary, May 22)

Mr. Burt Moddejonge, Liberal Party (Calgary, May 22)

Institute for Political Involvement (Toronto, May 30)

Ontario Federation of Labour (Toronto, May 31)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Jeffrey Phelps, Student Unions of NS (Sydney, June 5)

Mr. Blair Mitchell and Mr. John Abbass, NS PC Association
(Sydney, June 5)

Mr. Randy Simms, Radio Station VOCM (St. John's, June 6)

Mr. Richard Cashin, Fisheries Food and Allied Workers (St.
John's, June 6)

Mr. Stephen Delaney, PC Association of Newfoundland and Labrador
(St. John's, June 6)

Ms. Marlene Catterall, MP (Ottawa, June 11)

Mr. Michael McEwen, CBC (Ottawa, June 13)

Canadian Federation of Municipalities (Ottawa, June 13)

Dr. Rey Pagtakhan, MP (Ottawa, June 13)

Ms. Cheri Kinnear, Iqaluit Chamber of Commerce (Iqaluit, July 23)

Ms. Jeanne Mike (Iqaluit, July 23)

Mr. Duncan Cunningham, Baffin Regional Inuit Association
(Iqaluit, July 23)

Election hours and Sunday voting

10

Mr. Bryan Pearson, former Conservative candidate (Iqaluit,
July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

39. ADVANCE, PROXY AND MOBILE VOTING

Key issues:

- * How can the proxy voting system be made simpler and more accessible without undue risk of abuse?
- * What are the best ways to permit people unable to vote on election day to vote in advance?
- * Should a mail vote system be created, or mobile polls instituted, to supplement or replace the present system of advance and mobile voting, and which systems should be used?

Background:

Under the Elections Act, people who are ill, students and certain groups of workers may appoint another person to vote by proxy for them if they are unable to vote on election day. The process of arranging for a proxy vote is complex. It involves securing a proxy form, obtaining a doctor's or registrar's certificate, and finding someone from the elector's polling division to exercise the proxy.

The Act provides for advance polls to be set up in urban areas and in every community of 1,000 or more population in rural areas. Voting in advance polls takes place nine, seven and six days before election day, i.e., on the Saturday, Monday and Tuesday before the election. Except for these days, people may also vote in advance at the returning office beginning 21 days before election day and ending on the Friday before election day. This service may not be accessible in large, sparsely settled ridings; voting at sub-offices opened by the RO is not permitted.

The Act provides for the ballot box to be taken to hospital patients in their beds, but does not otherwise provide for mobile polls. Some provinces have a mobile poll which goes to voters in several nursing homes or small institutions during the course of election day. Several provinces have a mail ballot for advance voting which operates in a manner similar to the federal system of Special Voting Rights.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Bill C-79 proposed making proxy voting available to anyone who believed they would be unable to vote on election day or at the advance poll. It also proposed allowing people to vote at an advance poll for any reason.

Suggested alternatives:

- Simplify the proxy voting procedure and make it available to anyone needing to use it;
- Remove the requirement that students must be full-time and that sick people must produce a medical certificate to qualify for a proxy vote;
- Allow hunters and other persons working in the bush to assign a proxy for voting before an election is called;
- Create a mail vote system to supplement proxy voting or to replace it;
- Provide mobile polls to serve voters in nursing homes and small institutions on election day;
- Take a mobile poll, either on election day or on a day of advance polling, to the homes of people who are unable to go out to vote;
- Use a tendered ballot system in place of a proxy vote;
- Add a fourth day of advance polling on the Sunday eight days before election day;
- Allow people in remote areas to cast an advance ballot through a DRO or an enumerator;
- Allow voting to begin in the RO's office 26 rather than 21 days before the election;
- Where an RO has several offices in a large riding, allow polling to take place in all of the offices, rather than just the main one.

Comments and proposals:

Some 50 intervenors commented on advance polling and related issues. Though there were some concerns about abuse, they were

substantially in favour of simplifying the system of proxy voting and making it easier for people to vote in advance.

Intervenors either wanted to extend proxy voting to a broader group of electors or to make it accessible to anyone, as proposed in Bill C-79. There was a good deal of frustration at the complications of the present proxy system, which often appeared to work against students and other people trying to arrange for a proxy vote. It was also pointed out that proxy votes cannot be cast at the advance poll or in the returning office.

Some concern was expressed that where possible, people should vote in person rather than by proxy. For this reason, a number of intervenors preferred a mail vote or a mobile voting system over the proxy system. Mr. Warren Baillie, CEO for Ontario, preferred the proxy system over a mail vote because of concerns over the security of the mail vote. Several intervenors asked that the rules limiting a person to exercising two proxy votes, or requiring that they come from the same polling division as the elector, be changed. Mr. Patrick Michael, CEO in the Yukon, said that he had now approved the faxing of proxy forms to electors provided they are sent back by mail with an original signature.

There was wide support for the concept of mobile polls going to institutions which are too small to have a polling station, but where the residents find it difficult to get out to vote. The idea of taking a mobile poll to the home of people who cannot get out to vote drew more limited support but no opposition. One intervenor suggested the request for this service should be made at the time of enumeration.

A number of intervenors supported extending the advance poll, with the specific proposal that the Sunday eight days before election day be added. Extended hours for advance polls were suggested to serve miners in a northern riding. Extension of voting at the returning office was also supported, but MP Derek Lee and some ROs raised concern about the confusion this created unless a DRO and poll clerk were located in the returning office to handle this advance vote. ROs pointed out that people are not allowed to vote in a sub-office which has been established in a large riding and recommended the rule be changed.

Mr. Dermot Whelan, CEO in Newfoundland, recommended the use of a "tendered" ballot in certain cases to take the place of a proxy or of a mail ballot. In this system the ballot is marked and placed in an envelope, but is handed to an election official rather than being mailed.

Special provisions now being used in northern Canada were recommended for federal elections. In the Yukon, Mr. Michael reported that a mail-in ballot is now being used for polling districts with up to 25 voters, as an alternative to setting up a polling station. The Yukon also proposed allowing someone who would be inaccessible during an election campaign, such as a trapper working in the bush, to assign a proxy vote in advance rather than lose it.

In Yellowknife, Mr. David Hamilton, Clerk of the Legislative Assembly, said the territory had adapted the use of a mobile poll from Australia in order to take ballot boxes to voters in hunting and fishing camps or in isolated communities which cannot be reached except by air. This kind of poll was also recommended by Mr. Garfield Warren, MHA for Torngat Mountains, in order to serve isolated summer fishing communities along the Labrador coast.

Intervenors noted that advance polling locations are often not accessible to people in the north because they only serve communities of over 1,000. Voting in the returning office may be impractical because it is hundreds of miles away or accessible only by air. They suggested that people needing an advance vote be able to do so by mail or by arrangement with a local election official, such as an enumerator or DRO. Some concern was expressed, however, that the mail service in northern Canada may not be sufficiently quick or reliable to be used for electoral purposes.

Related Issues:

Related issues are raised in the areas of enumeration issues, permanent voters' lists, and revision and election day registration.

Intervenors:

New Democratic Party (Ottawa, March 12)

Greater Moncton Chamber of Commerce (Moncton, March 20)

Mr. Harry Cook, RO, Hillsborough (Charlottetown, March 21)

P.E.I. Council of the Disabled (Charlottetown, March 21)

Mr. Cecil MacPhail, RO, Malpeque (Charlottetown, March 21)

P.E.I. Progressive Conservative Riding Association
(Charlottetown, March 21)

Ms. Barbara Craven, RO, Saanich-Gulf Islands (Victoria, March 26)

B.C. Coalition for the Disabled (Vancouver, March 27)

Association des centres d'accueil du Québec (Montreal, April 9)

Senior Citizens Forum of Montreal (Montreal, April 9)

M. Jacques Lavoie, former MP (Montreal, April 9)

Mme Monique Dubuc-Vaillancourt, RO, Ahuntsic (Montreal, April 11)

Coalition of Provincial Organizations of the Handicapped
(Winnipeg, April 19)

Ms. Leona Mayer, official agent for the NDP in Churchill
(Thompson, April 20)

Business and Professional Women's Club (Thompson, April 20)

Mr. Ken Collin, member of the Progressive Conservative Riding
Association (Thompson, April 20)

Office des personnes handicapée du Québec (Quebec City, April 30)

Mr. Jacques Charpentier, RO, Louis-Hébert (Quebec City, April 30)

Ms. Suzanne Cote, RO, Roberval (Chicoutimi, May 1)

Mr. Warren Bailie, Chief Electoral Officer for Ontario (Toronto,
May 7)

Psychiatric Hospitals Branch, Ontario Ministry of Health and
Psychiatric Patient Advocate Office of Ontario (Toronto, May 8)

The Ontario Advisory Council on Senior Citizens (Toronto, May 8)

Ms. Helen Moore-Parkhouse of the Grand Theatre (London, May 10)

Mr. Patrick Michael, Chief Electoral Officer for the Yukon
(Whitehorse, May 14)

Ms. Laurie Clarke, RO, Kamloops (Kamloops, May 15)

Alberta Medical Association (Edmonton, May 23)

Clerk of the Legislative Assembly (Yellowknife, May 24)

Yellowknife Chamber of Commerce (Yellowknife, May 24)

Ms. Rosemary Cairns, RO, Western Arctic (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Winnipeg-North Centre Liberal Party (Winnipeg, May 29)

Ontario Federation of Students (Toronto, May 31)

Wellington-Grey-Dufferin-Simcoe Progressive Conservative Riding Association (Toronto, May 31)

Ms. Clara Jefferson, campaign manager for Pat Nowlan, MP
(Halifax, June 4)

Mr. James Lovelace, speaking on behalf of five Canadian Legion branches (Sydney, June 5)

Mr. Francis LeBlanc, MP for Cape Breton-Highlands-Canso (Sydney, June 5)

Student Committee for Electoral Reform (Sydney, June 5)

Student Unions of Nova Scotia (Sydney, June 5)

United Mine Workers (Sydney, June 5)

Ms. Mary MacLean, RO, Cape Breton-Highlands-Canso (Sydney, June 5)

Mr. Garfield Warren, provincial M.H.A. for riding of Torngat Mountains (St. John's, June 6)

Chief Electoral Officer of Newfoundland, Mr. Dermot Whelan (St. John's, June 6)

Fisheries Food and Allied Workers (St. John's, June 6)

Progressive Conservative Association of Newfoundland and Labrador (St. John's, June 6)

Student Union Council of Memorial University of Newfoundland (St. John's, June 6)

Ms. Mary Hodder, RO, Burin-St. George's (St. John's, June 6)

Dr. Maurice Foster, MP (Ottawa, June 11)

Ms. June Creelman, citizen (Ottawa, June 11)

Mr. Derek Lee, MP for Scarborough Rouge River (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

40. DISABLED AND HANDICAPPED VOTERS

Key issues:

- * Should provision of level access to all polling stations be a principle, a long-term goal or a requirement for the next federal election?
- * Should returning officers or Elections Canada be responsible for ensuring that polling places are accessible to people in wheelchairs?
- * What improvements should be made in training of election staff, in public information and in voting procedures, to make the electoral process more accessible to people with disabilities?

Background:

The Elections Act makes limited reference to the needs of the disabled. Section 91(6)(b) directs that there be level access at at least one advance poll in each urban area within a riding. Other advance polling stations shall, "wherever possible", provide "ease of access" to people who are old, incapacitated or in wheelchairs.

Section 33 says that regular polling stations shall have "convenient access" or "ease of access" without being more specific. Section 45(14) provides for a DRO or a friend or relative to assist an elector in voting if the elector is blind, unable to read, or "so physically incapacitated as to be unable to vote." No one can act as a friend in this way to more than one voter.

Although the ballot is designed to minimize spoiled ballots, there are generally no aids provided at polling stations to assist voters with difficulty communicating in English or French or who are illiterate or disabled. DROs are allowed to close a regular poll in a hospital in order to allow patients to vote at their bedside but there are no other provisions in the Act for mobile polls or for taking the ballot box to the street

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- * This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

("curbside voting") if an elector cannot enter because there is no level access.

In 1988, Elections Canada took a number of steps to improve access to voting for people who are handicapped. This included providing level access at all advance polls and central polling stations and making level access a priority in the location of regular polling stations. This was achieved at times by moving polling stations from where they had been regularly located in the past, or by constructing temporary ramps.

This was essentially the policy that was proposed in Bill C-79, which would have required level access to be provided at returning offices and at all advance polls and central polling stations and which called for level access to be provided wherever possible at all other polls. If not provided, the RO would be required to explain why if asked.

Suggested alternatives:

- Provide level access at all polling stations in Canadian federal elections;
- Provide level access at all returning offices and advance polling locations;
- Make level access at polling stations a priority and require the returning officer to justify any location where it is not provided;
- Provide alternative arrangements, such as transfer certificates or curbside voting, where level access cannot be provided at a polling station;
- Ensure that polling booths, as well as polling stations, are accessible for disabled people;
- Write the rules for level access into the Elections Act and make Elections Canada rather than the RO in each riding responsible for implementing and enforcing them;
- Provide mobile polls to go to the homes of people who cannot get out to vote because of age, illness or disability;
- Encourage people in wheelchairs to work as DROs or as election staff;

- Require that candidates' campaign offices provide level access as a condition for receiving any federal reimbursement of election expenses;
- Simplify and broaden the rules for people to receive assistance in voting because of a disability or handicap;
- Use the enumeration process and voting cards to inform voters whether their polling station has level access;
- Alert voters through the media as to which polls are not accessible before advance polling begins;
- Make access permanent rather than temporary to buildings used for polling;
- Have the Elections Act refer to "people with handicaps" or "disabled people" rather than to "the handicapped" or "the disabled";
- Improve the training of enumerators and of election staff so they can better understand and meet the needs of disabled voters;
- Subsidize or provide transportation to the polls for disabled voters on election day;
- Use large print pamphlets, audio and video tapes, Braille and captioned TV in order to improve communication about the electoral process with people who are disabled;
- Make the ballot more accessible to people with disabilities by using the party logo with each candidate's name and/or by using a photo ballot;
- Make the use of templates universal to help blind people in voting;
- Provide sign language interpretation for the deaf at polling stations;
- Provide sign language interpretation for news or for political advertising on television in order to give more electoral information to deaf people;

- Equip all returning offices with TDD devices to enable them to communicate with people who are deaf.

Comments and proposals:

Most of the intervenors who spoke on issues affecting disabled or handicapped voters were advocacy groups or government organizations concerned with the rights of disabled people. As there was little disagreement on the need to improve access to voting for handicapped people, most of the intervenors focused on practical suggestions of how this should be done.

The only issues on which there was some divergence were the questions of how far to go in providing level access at polling stations, and to what degree Elections Canada, rather than local returning officers, should be responsible for level access.

The Coalition of Provincial Organizations of the Handicapped, the Canadian Human Rights Commission, and provincial councils or offices for the handicapped in Ontario, Quebec, and the Northwest Territories supported requiring 100% level access. This position had somewhat more support than the alternative that all polling stations be made accessible except where an alternative is provided or where the RO judges that this is not possible. This position, which was supported by the Canadian Paraplegic Association and the Quebec Paraplegic Association and by the New Brunswick Council on the Status of Disabled Persons, is essentially the position of Bill C-79.

No intervenor spoke against making Elections Canada responsible for ensuring that level access is provided at polling stations, but its opposition was evident from the Canadian Paraplegic Association's description of its legal battles with Elections Canada over the past six years to enforce such a responsibility. The CPA took the position that the Act should make Elections Canada responsible to "implement, monitor and enforce" the level access provision because of the difficulty that would otherwise exist of enforcing the law on 295 returning officers.

A number of intervenors acknowledged that access to voting for handicapped people had improved in the 1988 election. They noted, however, that a disabled person could still lose the ability to vote if they moved from an area with an accessible polling station to one where the polling place did not have level access; that the ballot booth was sometimes not accessible even if the polling station was; and that information provided to the

public as to whether polling stations offered level access was sometimes in error.

Returning officers had some problems with the proposal for 100% accessibility. Mr. Lyle Walsh of Churchill riding, for example, pointed out that he could not personally inspect every polling place to ensure it was accessible because of the size of the riding. Community buildings in northern areas are often built well above the ground because of winter and spring conditions, he pointed out, and it would be easier in these cases to bring the ballot box out to a disabled voter than to construct a costly temporary ramp. Mrs. Mary Hodder, RO in Burin-St. Georges, contended that there was no reason to build ramps to provide level access in communities where there are no persons requiring this service.

The specific suggestions put forward by disabled groups are self-explanatory and are outlined under "alternatives".

Related Issues:

Issues related to the mentally disabled are dealt with separately as are literacy issues and issues affecting the homeless. Related issues also include advance and proxy voting, voting procedures, broadcasting issues, staffing of ROs and election staff, enumeration issues, party nominations, party finance and tax credit and related issues.

Major intervenors:

Randy Dickinson, Executive Director of the Premier's Council on the Status of Disabled Persons (Fredericton, March 19)

Mr. John Lane, Canadian Paraplegic Association (Winnipeg, April 19)

Mr. Laurie Beachell, The Coalition of Provincial Organizations of the Handicapped (Winnipeg, April 19)

Mme Sylvie Godbout, Office des personnes handicapées du Québec (Quebec City, April 30)

Mr. Serge LeBlanc, Saguenay Lac St-Jean Cerebral Palsy Association (Chicoutimi, May 1)

Dr. Shirley VanHoot, Ontario Advisory Council for Disabled Persons (London, May 10)

Mr. John Rogers, Nova Scotia Division, Canadian Paraplegic Association (Sydney, June 5)

Mr. Myles Murphy, Newfoundland and Labrador Association of the Deaf (St. John's, June 6)

Mr. James Roots, Canadian Association of the Deaf (Ottawa, June 12)

Ms. Michele Falardeau-Ramsay, Canadian Human Rights Commission (Ottawa, June 13)

Other intervenors:

Ms. Helen Flemming, Saint John Hearing Society (Moncton, March 20)

Mr. Brian Bertelsen, P.E.I. Branch of the Canadian Paraplegic Association (Charlottetown, March 21)

Ms. Anne Lie-Nielsen, P.E.I. Council of the Disabled (Charlottetown, March 21)

Mr. Bernard MacDonald, Canadian National Institute for the Blind (Charlottetown, March 21)

Ms. Joanne Neubaur, Handicapped Action Committee (Victoria, March 26)

Ms. Margo Massie, B.C. Coalition for the Disabled (Vancouver, March 27)

Mr. Pierre Asselin, Canadian Association of Friedreich's Ataxia (Montreal, April 9)

Mr. René Dallaire, Quebec Paraplegic Association (Montreal, April 9)

Mr. Fred Curths, Saskatoon Chapter of the Voice of the Handicapped (Saskatoon, April 17)

Mr. Lyle Walsh, RO, Churchill (Thompson, April 20)

Mr. Jacques Charpentier, RO, Louis-Hébert (Quebec City, April 30)

Mr. Paul Charest, RO, Trois-Rivières (Quebec City, April 30)

Mr. André Marois, RO, Megantic-Compton-Stanstead (Quebec City, April 30)

Ms. Susan Walker, Learning Disabilities Association of the Yukon
(Whitehorse, May 14)

Mr. Dale Robinson, N.W.T. Council for Disabled Persons
(Yellowknife, May 24)

Mr. Dennis James, Cumberland-Colchester Liberal Association
(Halifax, June 4)

Mr. Garfield Warren, provincial M.H.A. for the riding of Torngat
Mountain (St. John's, June 6)

Mr. Adrian Battcock, Newfoundland Division, Canadian Paraplegic
Association (St. John's, June 6)

Ms. Mary Hodder, RO for Burin-St. George's (St. John's, June 6)

Mr. William Burrows, citizen (Ottawa, June 12)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of issues from hearings*

WORKING DOCUMENT

41. ENUMERATION ISSUES

Key issues:

- * How can the process of enumeration in federal elections be improved?
- * Should enumeration be carried out before, rather than after the writs are issued, with revision only taking place during the election period?
- * Should the parties retain their current role in nominating enumerators in urban ridings?
- * Should there be one or two enumerators per poll in urban ridings?

Background:

The Canadian system of enumerating voters after an election has been called a unique form of voter registration in industrial democracies. Though the process is criticised, it is estimated that around 92% of eligible voters are enumerated in Canadian elections through enumeration and the process of revision. This is substantially higher than in the U.S. the levels in U.S. federal elections, where the main responsibility for becoming registered falls on the voter.

Under the Elections Act, two enumerators are appointed per poll in urban ridings on the nomination of the two leading parties in that riding at the last election. Enumeration takes place between the 38th and 32nd day before election day. Revision of the preliminary lists takes place from the 19th to the 17th day before election day, after which no further changes in the voters' list are allowed. Urban enumerators are expected to make two visits to each household during the enumeration period. The Act makes no provisions for computerizing the enumeration process.

In rural areas, one enumerator is appointed for each poll by the returning officer and there is no formal provision for

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

nomination by the parties. While the process is generally similar to that for urban areas, rural enumerators are not obliged to visit every home and may use other means to draw up the preliminary list of electors.

Bill C-79 left the basic process and timing of enumeration unchanged from the present Act, but proposed to allow revision up to three days before the election and to allow people left off the voters' list in error to vote, even if the error is discovered on election day.

The options of moving to a permanent voters' list and of extending the revision of the voters' list to election day or just before are closely related to the enumeration issues considered in this summary, but are considered in separate subject summaries. There was substantial support among intervenors for some form of permanent voters' list and very high support for extending revision and for allowing voters to register on election day.

Suggested alternatives:

- Carry out enumeration before the writs are issued when Elections Canada judges that an election is near, and revise the list once the election is called;
- Enumerate at regular intervals between elections;
- Have one enumerator per poll instead of two;
- Reduce or eliminate the role of the parties in appointing enumerators;
- Allow parties that did not stand first or second in a riding to nominate enumerators;
- Update the enumeration process using computer-generated forms and data entry;
- Use letter carriers and postal workers to carry out enumeration;
- Enumerate by mail as in Britain and as in some provinces;
- Keep using enumeration for a transition period of two or three elections while moving to a permanent voters' list;

- Put more responsibility on voters to have themselves registered after the initial enumeration;
- Improve enumerators' pay;
- Exempt people from being taxed or from losing UI or welfare benefits because of what they earn from enumeration.

Comments and proposals:

Enumeration was a major concern at the hearings. It was reflected in criticism of the present process and support for a permanent voters' list. The issue of the permanent voters' list, and the questions of revision and voting day registration, are considered separately.

Intervenors from a number of ridings spoke of large numbers of voters left off the lists because of faulty enumeration. The estimates ranged from 4,000 left off in Caribou-Chilcotin and 5,000 in Winnipeg North Centre to 14,000 said to have been missed in the riding of York North. Dr. Alexander Kholopov, in Halifax, said he had found that 340,000 Canadians were not enumerated and were therefore disenfranchised in the 1988 election.

Several intervenors who had unsuccessfully gone to court when they were left off the voters' list appeared before the Commission, including Mr. Anastase Koutroulides in London and Mr. Bruce Collins in Halifax.

Intervenors complained of poor enumeration among seniors, in areas of poor housing, in rooming houses and residential hotels, in apartments, among theatre people, and among natives and immigrants. Ms. Karin Kuhl of the Winnipeg North Centre Liberals contended that the system of enumeration in urban areas had simply broken down.

Mr. Warren Bailie, CEO for Ontario, suggested that this could be an overreaction because cases where voters were missed by the enumerators received a great deal of publicity. The criticism overlooked the fact that millions of electors were enumerated in a very short period without a problem, and that the Canadian system was seen as a model in the United States.

A number of reasons was offered for the problems with enumeration. The parties were less interested in finding enumerators and found that this interfered with their need for election workers at the start of the campaign; enumerators were

hard to find because more women were working; people were afraid to enumerate in certain areas for reasons of personal security; people could not be reached because they were away from their homes both day and night; the polls had grown too large; the pay was too low. It was also difficult to get two enumerators to find time to work together or to match enumerators with the right language skills in bilingual or multilingual areas. One RO, however, from Calgary North, reported that she had had no problems with enumeration and had had 100 enumerators whom she could not use.

Only four intervenors suggested that the parties play no role in nominating people to enumerate, but a number suggested that ROs be given more power to appoint, that the parties be required to name their enumerators earlier in the campaign, or that all parties be entitled to nominate enumerators rather than the two that had led the polls at the previous election.

There was significant support from ROs and from MPs Catterall, Bevilacqua and Lee for having enumeration before the writ rather than after the election had begun. Some intervenors, mainly ROs, suggested that enumeration take place at regular intervals, perhaps every 12 or 18 months. Mr. Howard Johnston, a former MP from B.C., suggested that voters be registered annually by party in order to draw up membership lists for nominations and leadership campaigns, but that this registration be voluntary.

In rural polls, it is the RO rather than the parties who has the right to appoint enumerators and there is only one enumerator per poll. A number of intervenors recommended that urban polls be treated for enumeration like rural polls. In most cases, it appears that the proposal was made so that urban voters could register to vote on election day, as rural voters can, rather than to remove the power of the parties to appoint enumerators.

The idea of having only one enumerator per poll drew strong support from ROs, from the B.C. NDP, and from the CEOs for Manitoba and Newfoundland. Newfoundland had used one enumerator per poll rather than two for forty years without any problems, according to Mr. Dermot Whelan. On the other side, the RO for Scarborough-Rouge River, Mrs. Ruth Haehnel, contended that it was critical for the integrity of the enumeration process that there continue to be two enumerators per poll rather than one. She also spoke of the increasing difficulty of recruiting enumerators.

Intervenors were consistent in calling for better training and supervision for enumerators. This was one of the reasons for suggesting that enumeration take place before the writ was issued. It was also suggested that language skills be improved

issued. It was also suggested that language skills be improved where they were needed and that people from ethno-cultural communities be used to enumerate in ethnic and immigrant areas, and hospital patients be used to enumerate in psychiatric wards.

The issue of pay for enumerators was raised, but not frequently. However, several intervenors including the National Pensioners' and Senior Citizens' Federation and the Federated Anti-Poverty Group in Vancouver suggested that income from enumeration be tax exempt or be turned into a tax credit so as not to jeopardize the regular income of people on pensions or on guaranteed income.

Some suggestions for improving the enumeration process are outlined in the summary on computerization of election operations, including the proposals of the CEO for Saskatchewan to redesign the process from enumeration to balloting in order to automate much of the work that is now done by hand. Saskatchewan is developing a computerized list of every address in the province to serve as the basis for the process of enumeration when a provincial election is called.

Mention was made of the proactive role of enumeration in alerting voters to a coming election and in providing them information about the electoral process. Mr. Al Knight of KAH-ED Institute in Kamloops, which handled data entry in that riding in 1988, said the enumeration process was accurate and also created involvement, interest and excitement.

Technical issues:

Several intervenors in the Toronto area raised the question of whether enumerators should be able to ask voters to produce evidence of citizenship. They were concerned that non-citizens may be gaining the right to vote; on the other hand, requiring proof of citizenship may discriminate against people from visible minorities or immigrants.

The Canadian Association for the Deaf raised serious concerns about the enumeration process as it affects deaf people, because they cannot hear the doorbell and because many deaf people also have difficulty reading.

Concern was raised that patients in hospital should be able to have a transfer slip if they are sent home after being enumerated in hospital.

The Grand Theatre raised particular concerns about people working in theatre who may lose their vote because they work away from home for lengthy periods every year.

Related issues:

The issues related to enumeration include the permanent voters' list, revision and voting day registration, student issues, the homeless, Elections Canada staffing and promotion, northern issues, and issues related to the disabled.

Major intervenors:

Mr. Keith Lampard, CEO, Saskatchewan (Regina, April 18)

Mr. Alex Bowd, RO, Regina-Wascan (Regina, April 18)

Mr. Warren Bailie, Chief Electoral Officer for Ontario (Toronto, May 7)

Mr. George Manios and Mr. Michael O'Dowd, Ontario Government officials (Toronto, May 7)

Ms. Ruth Haehnel, RO, Scarborough-Rouge River (Toronto, May 7)

Ontario Advisory Council on Senior Citizens (Toronto, May 8)

The Solicitor for the City of Sudbury (Sudbury, May 9)

Yukon New Democratic Party (Whitehorse, May 14)

Yukon Liberal Association (Whitehorse, May 14)

Mr. A.D. Knight, KAH-Ed Institute (Kamloops, May 15)

Mr. Don Ursaki (Vancouver, May 17)

Mr. Jim Green, Downtown East Side Residents' Association (Vancouver, May 17)

Mr. Al Dahlo, RO, North Vancouver (Vancouver, May 17)

Mr. Ross Harvey, NDP MP, Edmonton East (Edmonton, May 23)

Winnipeg-North Centre Liberal Party (Winnipeg, May 29)

National Anti-Poverty Organization (Ottawa, June 11)

Canadian Federation of Students (Ottawa, June 12)

Comité des bénéficiaires, Hôpital Louis-H. Lafontaine (Ottawa, June 12)

Other intervenors:

Mr. Scott Thorkelson, MP Edmonton Strathcona (Ottawa, June 12)

Mr. E.R. Maston, RO, York-Sunbury (Fredericton, March 19)

Mr. Alfred Crossman, RO, Saint John (Fredericton, March 19)

Mr. R.L. Smith, citizen (Moncton, March 20)

P.E.I. NDP (Charlottetown, March 21)

Mr. Harry Cook, RO, Hillsborough (Charlottetown, March 21)

P.E.I. Liberal Party (Charlottetown, March 21)

Mrs. Marquerite Balshaw, citizen (Victoria, March 26)

Ms. Barbara Craven, RO, Saanich-Gulf Islands (Victoria, March 26)

Ms. Jane McEwan, citizen (Victoria, March 26)

Federated Anti-Poverty Group (Vancouver, March 27)

B.C. Council of NDP Federal Ridings (Vancouver, March 27)

Mr. Jeremy Dalton, citizen (Vancouver, March 27)

Mme Henriette Guerin, RO, Outremont (Montreal, April 10)

Mme Monique Dubuc-Vaillancourt, RO, Ahuntsic (Montreal, April 11)

St-Henri/Westmount Liberal Association (Montreal, April 11)

Mme Jo-Anne L'Heureux-Giguère, citizen (Montreal, April 11)

Mr. William Werezak, RO; Mrs. Joyce Brown, RO; Mrs. Peggy Woods, RO, (Saskatoon, April 17)

Ms. Leona Mayer, official agent for the NDP in Churchill (Thompson, April 20)

Business and Professional Women's Club (Thompson, April 20)

Mr. Louis Duclos, former Liberal MP (Quebec City, April 30)

Mr. Paul Charest, RO, Trois-Rivières (Quebec City, April 30)

Mr. Jacques Boisvert, RO, Jonquière (Chicoutimi, May 1)

Ms. Suzanne Côté, RO, Roberval (Chicoutimi, May 1)

Mr. Harry Chadwick, PC MP, Brampton-Malton (Toronto, May 7)

Sudbury Literacy Council (Sudbury, May 9)

Mr. David Winninger, London lawyer (London, May 10)

Prof. Bruce Lundgren, University of Western Ontario (London, May 10)

Grand Theatre (London, May 10)

Liberal riding associations (London, May 10)

Ms. Jean Graham, Federal RO, Yukon (Whitehorse, May 14)

Ms. Laurie Clarke, RO, Kamloops (Kamloops, May 15)

Mr. Howard Johnston, former MP for Okanagan-Kootenay (Kamloops, May 15)

New Westminster-Burnaby NDP (Vancouver, May 17)

B.C. Association for Community Living (Vancouver, May 17)

Ms. Jennifer Taylor, citizen (Calgary, May 22)

Mr. Don Ferguson, form NDP candidate in Lethbridge (Calgary, May 22)

Ms. Mary Hornett-Twigg, RO, Calgary North (Calgary, May 22)

Chief Electoral Officer for Alberta (Edmonton, May 23)

Edmonton Northwest NDP (Edmonton, May 23)

Canadian Mental Health Association (Edmonton, May 23)

Messrs Alan Clark and John Day, ROs (Edmonton, May 23)

Mr. Samuel Donaghey, Ro, Edmonton North (Edmonton, May 23)

Ms. Rosemary Cairns, RO, Western Arctic (Yellowknife, May 24)

Mr. Cyril Keeper, former MP for Winnipeg North Centre (Winnipeg, May 29)

Mr. Richard Balasko, acting CEO in Manitoba (Winnipeg, May 29)

Manitoba Anti-Poverty Organization (Winnipeg, May 29)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Wellington-Grey-Dufferin-Simcoe Progressive Conservative Riding Association (Toronto, May 31)

Mr. Bruce Collins, citizen (Halifax, June 4)

Dr. Alexander Kholopov, citizen (Halifax, June 4)

Ms. Clara Jefferson, campaign manager for Pat Nowlan, MP (Halifax, June 4)

Nova Scotia Division, Canadian Paraplegic Association (Sydney, June 5)

Student Committee for Electoral Reform (Sydney, June 5)

Student Unions of Nova Scotia (Sydney, June 5)

Returning Officer for Cape Breton Highlands-Canso (Sydney, June 5)

Chief Electoral Officer of Newfoundland, Mr. D. Whalen (St. John's, Newfoundland, June 6)

St. John's East New Democratic Party (St. John's, Newfoundland, June 6)

Student Union Council of Memorial University of Newfoundland (St. John's, Newfoundland, June 6)

Mr. Maurizio Bevilacqua (Ottawa, June 11)

Ms. Marlene Catterall, MP, Ottawa-West (Ottawa, June 11)

Canadian Association of the Deaf (Ottawa, June 12)

Mr. Derek Lee, MP, Scarborough Rouge River (Ottawa, June 12)

Canadian Ethno-cultural Council (Ottawa, June 13)

Carleton Gloucester NDP (Ottawa, June 13)

National Organization of Immigrant and Visible Minority Women of
Canada (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

42. HOSPITAL VOTING

Key issue:

- * The issue is technical or is more closely related to the needs of the mentally handicapped and is dealt with in the summary on that issue.

Background:

The Elections Act recognises special circumstances related to hospital voting but does not require that a polling station be located in every hospital. It does permit regular voting in a hospital poll to be temporarily suspended so that the election staff can take the ballot box through the wards and let people vote at their bedside.

Patients in chronic and long stay hospitals are entitled to be enumerated provided they have been in the hospital for 10 days or more. This right does not extend to patients in acute care beds even if they have been under treatment for a long time or are chronic patients for whom a chronic care bed cannot be found.

Unlike some provinces, the federal Act does not provide for mobile polls which would go on election day to nursing homes and other institutions which are too small to justify having a polling station just for their residents.

Bill C-79 proposed allowing this kind of mobile polls and dropping the 10-day residence rule applied to people living in hostels, and presumably also to people in chronic hospitals. It proposed extending revision to three days before the election and making proxy voting available to any person who has reason to believe that they will be unable to vote on election day or at the advance poll.

Suggested alternatives:

- Enumerate chronic care patients even if they are in acute care hospital beds;

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

- Enumerate all patients in hospital but check names of short-term patients with the appropriate riding to avoid duplication;
- Provide hospitals with advance notice when enumerators are planning to come;
- Allow hospital patients a mail vote as an alternative to having to vote by proxy;
- Simplify proxy procedure and remove the need for a medical certificate;
- Allow homeless persons admitted to hospital to be enumerated using the hospital as their home address;
- Provide mobile polls to make it possible for people living in nursing homes and smaller institutions to vote.

Comments and proposals:

Very few intervenors spoke directly to the question of hospital voting, but there was substantial interest in electoral issues related to people who are mentally handicapped and living in hospitals and institutions. These are discussed in a separate summary.

Both Dr. Sandy Murray of the Alberta Medical Association and Dr. William McCormick of the Nova Scotia Hospital questioned the practise of not enumerating patients in acute care beds. Dr. McCormick raised the problems of people in hospital who have no one to cast a proxy vote for them in their home poll; of homeless people admitted to hospital who cannot be enumerated because they have no fixed address; and of short-term patients with no one at home to submit their name for enumeration. Several of his suggested alternatives are intended to deal with these problems.

Dr. Murray said there is a test called the "Short portable mental status questionnaire" used to establish whether a patient is confused, but suggested that if used, this test might also be applied to the public at large.

Related issues:

All the summaries relating to voting procedure and enumeration touch on issues related to hospital voting. The summaries relating to people who are mentally handicapped and disabled also deal with issues related to hospital voting.

Intervenors:

Dr. Sandy Murray, Alberta Medical Association (Edmonton, May 23)

Ms. Lynn Jones, an executive with the Alberta Hospital, Edmonton (Edmonton, May 23)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Dr. William McCormick, Nova Scotia Hospital (Halifax, June 4)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

43. PERMANENT VOTERS' LIST

Key issues:

- * Should voters in Canadian election be registered through a permanent voters' list rather than through the present system of enumeration?
- * How can the enumeration system be improved either for a transitional period or as an alternative to moving to a permanent list?
- * Should Canadian election campaigns be shortened, and if so by how much?

Background:

The Canadian system of enumerating voters after an election is described in the Summary "Enumeration Issues". The Elections Act makes no provision for a permanent voters' list, or for any form of enumeration before the writ is issued.

A permanent voters' list is used in British Columbia and was studied extensively in Quebec a few years ago. Ontario has a form of permanent list for municipal elections based on assessment rolls, a mail enumeration and follow-up through special enumerations. Quebec had an annual enumeration for provincial purposes prior to the last election, while Newfoundland and Alberta make up their voters' lists during the pre-election period before the writ is issued.

Section 6 of the Elections Act sets the length of federal campaigns at 50 days although the timing of the announcement may make the election a bit longer. Election periods in the provinces are generally closer to 30 days, even when they include provision for full enumeration. The period in Newfoundland is very short, 21 clear days. This is also the campaign period in Britain where enumeration is carried out annually by mail.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested Alternatives:

Permanent list:

- Move to a permanent voters' list based on such data sources as income tax records, pension records, drivers' license listings, or provincial health insurance records;
- Create a permanent voters' list by carrying out enumeration between elections;
- Use the permanent list as a basis, but carry out an enumeration after the writ is issued to ensure better coverage of eligible electors;
- Design the permanent list to be used for municipal and provincial as well as federal elections;
- Continue to use enumeration but improve the present system;
- Use enumeration for the next election, but plan for a permanent voters' list by the mid-90s.

Additions to the list:

- Revise the voters' list after the election is called and extend the revision period as long as possible;
- Allow voters to register to vote on election day;
- Make voters more responsible to have themselves registered, if they are left off the voters' list;
- Do not adopt any voluntary form of voter registration as practised in the United States;

New approaches:

- Develop a computerized listing of every street address in each riding to use as the basis for enumeration or for a permanent list;
- List data such as postal code, occupation or telephone number after each voter's name and address on the permanent list;
- Use the 1991 census as the basis for the initial permanent voters' list;

- For purposes of nominations and of leadership campaigns, include people's party allegiance on the voters' list on a voluntary basis;
- Take steps to protect the confidentiality of information on the permanent list;
- Keep a local returning office or regional data office open between elections to revise the permanent list;
- Make changes to the permanent list through Canada Post or some other government agency;
- Give everyone some form of permanent voters' identity card for voting;

Length of election campaign:

- Keep the election period at its present length;
- Shorten the length of federal elections to 30 or 35 days;
- Shorten the length of the election campaign by moving to a permanent voters' list.

Comments and proposals:

Permanent voters' list:

The idea of a permanent voters' list drew strong support both from intervenors at the hearings, and from individuals and groups who submitted briefs to the Commission.

As of June 1, the Commission had received 120 briefs that expressed support for a permanent list and 28 that expressed opposition. Some 86 intervenors at the hearings supported a permanent list and 33 were opposed.

As the list of alternatives indicates, a number of intervenors called for a permanent list as a means of reducing the length of federal election campaigns. A number also urged that voters be allowed to register on election day, if a permanent list is adopted.

Support for a permanent list was strong in Quebec where no opposition was expressed. A permanent list was favoured by a three to one margin among intervenors in Atlantic Canada and the Prairies and by a two to one margin among intervenors in Ontario and in British Columbia. Support for the permanent list was very strong (about six to one) among Conservative and Liberal

intervenors, but only marginally ahead among New Democrats. The permanent list was mentioned by two labour intervenors; both were opposed.

The Liberals and NDP both questioned the concept of a permanent list when the hearings opened in March. It was also resisted by the CEOs from Ontario, Manitoba and Saskatchewan, by the New Brunswick PCs, the Ontario Federation of Students and the Canadian Federation of Municipalities. Their alternative, in most cases, was to recommend improving the present enumeration system.

Those favouring a permanent list included the B.C. federal NDP ridings, the Saskatchewan NDP, the CEOs for B.C. and Newfoundland, Vancouver Mayor Gordon Campbell, the Union of B.C. Municipalities, MPs Pat Nowlan, Don Blenkarn, Lloyd Axworthy and Nelson Riis, and the Canadian Ethnocultural Council.

There was significant support (a dozen or more intervenors) for using the permanent list for municipal and provincial as well as federal elections; for making voters more responsible for their own enumeration; for allowing voters to register on election day; and for computerizing the voters' list when it becomes permanent. There was also significant support for giving every elector a voters' identity card or for using the social insurance card for voting purposes. Much of this support came from intervenors from Quebec.

The major reasons for supporting a permanent list were the problems that have been experienced with enumeration and with finding competent enumerators, and the desire to reduce the length of Canadian elections. Some intervenors said they would support a permanent list if it were as accurate as enumeration or if it did not cost more. Others insisted that voters be able to register on election day as a condition for moving to a permanent list.

MP Don Blenkarn put forward the most detailed proposal for creating a permanent voters' list based on data from government departments. He proposed that peoples' names and addresses be obtained from income tax records through Revenue Canada, supplemented by information from other government departments about people who become citizens or who die and by information from Canada Post about people who move. He noted that in 1988 there were 17 million tax returns filed compared with 17.6 million Canadians who were enumerated, and that a number of tax returns also contain information about non-working spouses or other dependents. There would be no breach of confidentiality because all that would be taken from the tax returns would be peoples' names and addresses.

Some intervenors in B.C. expressed concern about the number of people left off the province's permanent voters' list and, in particular, about B.C.'s decision to no longer allow voters to register on election day. Some 150,000 voters used this provision in the 1986 campaign.

Mr. Robert Patterson, the acting CEO, for B.C. said the permanent list seemed to be registering as many voters as were recorded by the federal enumeration; that some 50 municipalities, including Vancouver, were planning to use the permanent list for forthcoming local elections; and that the public had reacted very positively to the introduction of voter ID cards last fall. His report was supported by the Union of B.C. Municipalities, which said that one fast-growing municipality had had a list of 101,000 electors updated for less than \$700.

Mr. Ron Hamilton, of the Kamloops NDP, recommended that a permanent list be based on government data banks, but that it be augmented both by door-to-door enumeration after the election was called and by registration booths in public places. He also suggested that political parties and other groups, as well as the voters, be able to register people left off the voters' list.

The Nova Scotia PCs were one of several groups who expressed concern about the confidentiality of a permanent list. They suggested that the official agent for each candidate be designated as a trustee in order to safeguard the electoral lists and protect them against misuse, and that voters be given the right to veto their name and address being passed out, even to a political party.

Mr. Dermot Whelan, the Newfoundland CEO, described what he termed a "semi-permanent" voters' list that Newfoundland is now using which is updated from motor vehicle registrations, vital statistics and medicare records, and registration at the polls on election day. Newfoundland was considering enumerating people at their work because of the difficulties in trying to enumerate people at home.

Quebec spent about \$4 million in the late 1970s developing a permanent list system which was never implemented. M. Pierre F. Côté, the CEO, offered to share Quebec's experience if a permanent list is chosen. On the other hand Mr. Keith Lampard, CEO in Saskatchewan, contended that enumeration was cheap and fairly efficient compared with a permanent list and offered suggestions for computerising and streamlining the system.

Concerns with the computerised list included its cost and accuracy and the problems of having names removed from the list when people move or die. There was concern in B.C. that poor people and tenants who move a lot would be more likely to be left off a permanent list than homeowners who might stay at one address for 20 years.

Some intervenors also expressed concern at losing the personal contact between enumerators and electors at the start of an election campaign. The summary on Enumeration Issues touches on other proposals to improve the enumeration process, which could apply whether enumeration is continued for a transitional period or permanently.

Length of election campaigns:

The idea of reducing the length of election campaigns also drew strong support, but from a much smaller number of intervenors, about 33. The margin was five to one in favour of shortening the campaign period with Conservatives and the public at large very strongly in favour and NDP intervenors slightly against.

Opposition to shortening the campaign came almost exclusively from northern Canada, and was based on the difficulties of transportation and communication in northern communities if the election period is shortened. Those favouring a shorter campaign included most major broadcasters, Senator Norman Atkins, MPs Lise Bourgault, Pat Nowlan and Don Blenkarn, the New Brunswick Liberals, Sudbury NDP, and the Senior Citizens' Forum in Montreal.

The arguments for a shorter campaign boiled down to the view that the present campaign period of 50 days is too long. Dr. William McCormick of the Nova Scotia Hospital noted that Britain manages to get through its elections in three weeks and pleaded for a shorter campaign in Canada.

The Montreal senior citizens pointed to the costs of the present election period and asked why so much time was needed when people had so much information through radio and television. Other intervenors said the long campaign period made for an exhausting endurance race and made it difficult to keep volunteers involved. Broadcasters wanted a shorter campaign in order to reduce their costs, and not lose the public's interest.

Related issues:

As already noted, the issue of the permanent voters' list is closely linked to other enumeration issues as well as to questions of Elections Canada structure and operations, staffing and pay of ROs and election staff, and revision and election day registration. It is also linked to aboriginal issues since the creation of a special roll of native electors, if carried out, could be assisted by a permanent list system.

The length of election campaigns is directly linked with advertising and broadcasting issues; interest and advocacy group issues and northern issues; and has a substantial effect on enumeration and on all aspects of Elections Canada structure and operations, a subject which did not attract great attention at the hearings.

Major intervenors:

In favour of a permanent list

Mr. Robert Patterson, Acting CEO of B.C. (Victoria, March 26)

Mayor Gordon Campbell, Vancouver (Vancouver, March 27)

Mr. Jan Davis, St-Henri/Westmount Liberal Association (Montreal, April 11)

Mr. Alex Bowd, RO, Regina-Wascana (Regina, April 18)

Mr. Pierre F. Côté, CEO (Quebec City, April 30)

Mr. Don Blenkarn, MP (Toronto, May 7)

Mr. Ron Hamilton, Kamloops NDP (Kamloops, May 15)

Nova Scotia PC Association (Sydney, June 5)

Mr. Kenneth Andrews, RO, Cape Breton-East Richmond (Sydney, June 5)

Mr. Dermot Whelan, CEO of Newfoundland (St. John's, June 6)

Not in favour of a permanent list

Canadian Federation of Municipalities (Ottawa, June 13)

Other intervenors:

In favour of a permanent list

Ms. Claudy Mailly, former MP (Ottawa, March 13)

Ms. Prudence Packwood, RO, Ottawa-West and Mr. John Bromley, RO, Renfrew riding (Ottawa, March 13)

Mr. Guy Bergeron, CEO for City of Ottawa (Ottawa, March 13)

Theo Noel, RO Gloucester (Fredericton, March 19)

Mr. E.R. Masten, RO (Fredericton, March 19)

Ms. Elaine Wright, New Brunswick Liberal Association
(Fredericton, March 19)

Mr. Jean Cadieux (Moncton, March 20)

Greater Moncton Chamber of Commerce (Moncton, March 20)

Mr. Cecil MacPhail, RO for Malpeque (Charlottetown, March 21)

Victoria Civil Liberties Union (Victoria, March 26)

Vancouver Island PC Riding Association (Victoria, March 26)

Mrs. Marguerite Balshaw (Victoria, March 26)

Ms. Margo Massie, B.C. Coalition for the Disabled (Vancouver,
March 27)

B.C. Council of NDP Federal Ridings (Vancouver, March 27)

Mr. Doug Stewart and Mr. Scott Thompson, Surrey-White Rock PC
Association (Vancouver, March 27)

Christian Heritage Party (Vancouver, March 27)

Mr. Jean-Pierre Roy, former Official Agent (Montreal, April 9)

Mr. Jacques Lavoie (Montreal, April 9)

Canadian Mental Health Association (Montreal, April 10)

Ms. Lise Bourgault, MP (Montreal, April 10)

Dr. Suzanne Birks, Canadian Human Rights Foundation (Montreal,
April 10)

Mr. Michael Spencer (Montreal, April 10)

Mme Henriette Guerin, RO, Outremont (Montreal, April 10)

Mr. Vic Karwacki, Liberal Riding Associations (Saskatoon,
April 17)

Mr. Pat Pitka and Ms. Lori Isinger, PC Riding Associations,
Saskatoon-Dundurn and Saskatoon-Humboldt (Saskatoon, April 17)

Mr. William Werezak, Mrs. Joyce Brown, and Mrs. Peggy Woods, ROs
(Saskatoon, April 17)

Saskatchewan NDP (Regina, April 18)

Mr. Lloyd Axworthy, MP (Winnipeg, April 19)

Mr. Kenneth Emberley, citizen (Winnipeg, April 19)

Ms. Carole Scrivener, and seven Winnipeg area ROs (Winnipeg, April 19)

Ms. Margaret Pronyk, Thompson Chamber of Commerce (Thompson, April 20)

Professor Vincent Lemieux, Laval University (Quebec City, April 30)

Mr. Jacques-Marie Gaulin, Official Agent (Quebec City, April 30)

Mr. Jacques Charpentier, RO in Louis-Hébert (Quebec City, April 30)

Mr. André Marois, RO, Megantic-Compton-Stanstead (Quebec City, April 30)

Mr. Jacques Boisvert, RO, Jonquière (Chicoutimi, May 1)

Mrs. Gwen Landolt, R.E.A.L. Women (Toronto, May 7)

Mr. Larry Grossman, former leader of the Ontario PC Party (Toronto, May 8)

Ms. Sharon Murdock, Sudbury Provincial NDP (Sudbury, May 9)

Professor Bruce Lundgren, University of Western Ontario (London, May 10)

Mr. Garnet Bloomfield, former MP (London, May 10)

Liberal Riding Associations (London, May 10)

Mr. Tim Preston and Mr. Michael Lauer, Yukon PC Association (Whitehorse, May 14)

Mr. Shayne Fairman, Yukon Liberal Association (Whitehorse, May 14)

Mr. Nelson Riis, MP (Kamloops, May 15)

Ms. Connie Harris, Green Party (Kamloops, May 15)

Mr. Richard Blair (Kamloops, May 15)

Mr. Vince Croswell, Kamloops PC Association (Kamloops, May 15)

Mr. John Lakes, PC Riding Association (Vancouver, May 17)

Mr. Don Knight, citizen (Vancouver, May 17)

Mr. Ross Harvey, MP (Edmonton, May 23)

Ms. Patricia Spencer, Liberal Party of Canada in Alberta (Edmonton, May 23)

Mr. Alan Clark, RO, Yellowhead (Edmonton, May 23)

Ms. Alice Killam, former RO, Peace River (Edmonton, May 23)

Mr. Cameron Donald, citizen (Edmonton, May 23)

Ms. Dorothy Barkley, Yellowknife Chamber of Commerce (Yellowknife, May 24)

Mr. Stephen Whipp, Western Arctic NDP (Yellowknife, May 24)

Western Arctic Liberal Association (Yellowknife, May 24)

Ms. Karin Kuhl, Winnipeg-North Centre Liberal Party (Winnipeg, May 29)

Mr. Ted Murphy, Mr. Renald Guay, citizens (Winnipeg, May 29)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Mr. Harry Katz, for five Conservative Riding Associations (Toronto, May 30)

Institute for Political Involvement (Toronto, May 30)

Ms. Elizabeth Dashwood, RO, Rosedale (Toronto, May 30)

Mr. Bruce Collins, citizen (Halifax, June 4)

Dr. Alexander Kholopov (Halifax, June 4)

Mr. Patrick Nowlan, MP (Halifax, June 4)

Professor Agar Adamson, Acadia University (Halifax, June 4)

Mr. David Dingwall, MP (Sydney, June 5)

Mr. Alex MacIsaac, NDP Official Agent (Sydney, June 5)

Mr. Maurizio Bevilacqua (Ottawa, June 11)

Ms. Marlene Catterall, MP (Ottawa, June 11)

Ms. Albina Guarnieri, MP (Ottawa, June 12)

Mr. Derek Lee, MP (Ottawa, June 12)

Mr. Andrew Cardozo, Canadian Ethnocultural Council (Ottawa, June 13)

Mr. John Manley, MP (Ottawa, June 13)

Mr. John Harvard, MP (Ottawa, June 13)

Dr. Jean Cottam, citizen (Ottawa, June 13)

Not in favour of a permanent list

New Democratic Party (Ottawa, March 12)

Liberal Party of Canada (Ottawa, March 12)

Canadian Labour Congress (Ottawa, March 13)

Mr. David MacDonald, New Brunswick PC Party (Fredericton, March 19)

Mrs. Erma Crawford Macauley, RO (Fredericton, March 19)

Ms. Barbara Craven, RO, Saanich-Gulf Islands (Victoria, March 26)

Mr. John Weir, B.C. Federation of Labour (Vancouver, March 27)

Ms. Jean Swanson, End Legislated Poverty (Vancouver, March 27)

Mr. Keith Lampard, CEO, Saskatchewan (Regina, April 18)

Mr. Ed Whelan (Regina, April 18)

Mr. Lyle Walsh (Thompson, April 20)

Ms. Leona Mayer, Official Agent, NDP Churchill (Thompson, April 20)

Mr. Warren Bailie, CEO, Ontario (Toronto, May 7)

Ontario Association for Community Living (Toronto, May 7)

Ms. Pat Portsmouth, New Westminster-Burnaby NDP (Vancouver, May 17)

Ms. Mary Hornett-Twigg, RO, Calgary North (Calgary, May 22)

Mr. Richard Balasko, acting CEO in Manitoba (Winnipeg, May 29)

Mr. Charles Caccia, MP (Toronto, May 30)

Ontario Federation of Students (Toronto, May 31)

Mr. Douglas Maund, Wellington-Grey-Dufferin-Simcoe PC Riding Association (Toronto, May 31)

Ms. Sandra Foley, RO, Halifax; Mr. Paul Hyland, RO, Halifax; Ms. Jessie MacDonald, Dartmouth (Halifax, June 4)

Nova Scotia Liberals (Halifax, June 4)

Mr. Michael Coyle, Nova Scotia NDP (Halifax, June 4)

Mr. Michael Martin and Ms. Melissa Coleman, Carleton Gloucester NDP (Ottawa, June 13)

Other

Senator Norman Atkins (Ottawa, March 13)

Dr. Norman Ruff, University of Victoria (Victoria, March 26)

Mr. Donald Wheeler, Vancouver Island PC Riding Associations (Victoria, March 26)

Mr. Jim Cairns, B.C. Ministry of the Solicitor General (Victoria, March 26)

Mr. Paul McKivett, Saanich-Gulf Islands Liberal Association (Victoria, March 26)

Mr. Léo Hudon, Senior Citizens' Forum of Montreal (Montreal, April 9)

Association canadienne de la radio et de la télévision de langue française (Quebec City, April 30)

The heads of three local broadcasting stations (Chicoutimi, May 1)

The Canadian Association of Broadcasters and CTV Television Network (Toronto, May 8)

Mr. Howard Danson, Psychiatric Hospitals Branch, Ontario Ministry of Health; and Ms. Mary Beth Valentine, Psychiatric Patient Advocate Office of Ontario (Toronto, May 8)

The Ontario Advisory Council on Senior Citizens (Toronto, May 8)

London West NDP (London, May 10)

Ms. Jean Graham, RO, Yukon (Whitehorse, May 14)

Mr. Graham McDonald, Yukon NDP (Whitehorse, May 14)

Ms. Mary Louise Fournier, Yukon Literacy Council (Whitehorse, May 14)

Ms. Laurie Clarke, RO (Kamloops, May 15)

Mr. Al Knight, KAH-Ed Institute (Kamloops, May 15)

Mr. Don Cameron, citizen (Kamloops, May 15)

Mr. David Hamilton, Clerk of the Legislative Assembly
(Yellowknife, May 24)

Mr. Terry Stratton, election volunteer (Winnipeg, May 29)

Mr. Howard Crosby, MP (Halifax, June 4)

Dr. William McCormick, Nova Scotia Hospital (Halifax, June 4)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

44. BALLOT AND VOTING PROCEDURES

Key issues:

- * Should electors be able to cast some form of protest vote as an alternative to voting for one of the candidates in their constituency?
- * Should native languages or languages other than French or English be used on the ballot where this is appropriate for a particular riding?
- * Should the candidate's deposit be raised to discourage fringe candidates, or should the rules relating to candidates' deposits be changed?

Background:

The ballot used in federal elections contains the name and party affiliation of each candidate along with a white circle in which to vote. The form of the ballot is set out in the Act, although it can be changed by regulation. There is no provision in the Act for the ballot to be in languages other than English and French.

Ballots are rejected if they are improperly marked, generally because an identifying mark has been used or it is not clear for whom the elector intended to vote. There is no provision in the Act for a voter to decline the ballot, as is allowed in Ontario. Nor is any form of protest vote recognised. If a voter spoils a ballot as a mark of protest, it will be counted as a "rejected" ballot just as if the voter had been unable to fill in the ballot correctly.

The candidates' deposit has been set at \$200 for more than a century, and has, therefore, become a minor expense for the campaign of a candidate from a major party. The deposit is refunded if a candidate qualifies to receive a federal subsidy on election expenses, i.e., obtains 15% of the vote. Otherwise, it is forfeited to the Crown.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to July 24, 1990, but not on other Commission research.

Bill C-79 proposed raising the deposit to \$500 but refunding it once the candidate had complied with the requirement to file a return with the RO, regardless of the number of votes received.

Suggested alternatives:

- Allow some form of protest vote to be registered as an alternative to voting for any of the local candidates in a federal election;
- Rather than vote for a candidate, provide a space for people to vote for "None of the above";
- If "None of the above" receives the largest number of votes in a constituency, leave the seat vacant or have that constituency vote in a second election;
- Allow people to vote for a "write-in" candidate as an alternative to those who appear on the ballot paper;
- Leave room on the ballot for voters to write in a short message about what they feel about politics;
- Place candidates' names on the ballot in the order of party standings in the House of Commons before the election, beginning with the candidate of the party which has the most seats;
- Place names horizontally on the ballot rather than vertically, to avoid favouring the candidate at the top of the list;
- To assist different groups of electors, place a poster in each polling station on election day with a photograph of each candidate along with their name, party and party logo;
- Allow the ballot and election material in different ridings to be printed in aboriginal languages or in foreign languages used by many people in the riding, rather than just in English and French;
- Include the party logo on the ballot after the name of each candidate.

Comments and proposals:

The most substantial submission advocating a protest vote came from Professor Graham Decarie of Concordia University. He contended that voters who are dissatisfied face very difficult options at present because it takes too long to create a new political party or capture control of an old one and because most people do not have the time or resources to run as an independent candidate. To spoil a ballot was a negative act which was not easy to interpret, and no message was left by a voter who stayed away from the polls.

He recommended allowing a protest vote with the provision that should this vote be in the majority, a second election would have to be held. Normally, however, he expected no more than five per cent of the electorate to cast a protest vote.

Support for a protest vote or for allowing a vote for "None of the above" came from the Libertarian Party and one of its former candidates, from Mr. George Jenkins of the Socialist Party, in Victoria, and from PC riding associations in Saskatoon. Both Professor Decarie and the Saskatoon PCs rejected the idea of a "write-in" ballot, and no intervenors supported the concept.

Mr. Stephen Whipp of the Western Arctic NDP made the proposal that ROs be able to print ballots and election material in aboriginal languages or in Braille. He also suggested that an "oral ballot" might be created to allow a voter to listen to the names of the candidates and then indicate the choice. At present the ballot is only in English and French.

The question of the deposit was raised by Professor William Christian of the University of Guelph, who pointed out that it had stayed at the current \$200 level since 1882. Professor Christian suggested that having too many candidates flooded voters with choice; and as a consequence, led them to focus on national campaigns rather than on the local candidate. He recommended raising the deposit to \$2,000 in order to discourage fringe candidates, but allowing people to receive their deposit back if they obtained more than five per cent of the vote rather than the current requirement of 15%. The Institute for Political Involvement also recommended raising the deposit to \$1,000 to discourage fringe candidates.

Ms. Connie Harris and Ms. Trudy Frisk, for the Green Party, strongly disagreed with the idea of a \$2,000 deposit for candidates. Representatives of the Libertarian Party objected to the \$200 deposit, because it is a major expense when a small party presents candidates in a number of ridings.

The proposal to list candidates by order of the party standings in the House of Commons rather than alphabetically (with parties not in the House bringing up the rear) came from Senator Paul Lucier in Whitehorse. He based his argument on the experience of the Liberal leader in Vancouver Quadra when the Rhinoceros Party also ran a candidate named John Turner.

The recommendation to place candidates' names horizontally on the ballot, rather than vertically, was made by Mr. Abe Okpik, an elder and former Conservative candidate in Iqaluit. This would prevent people from simply voting for the candidate who appears at the top of the list, he said.

The proposals for a photo ballot or for placing a placard with a photograph of every local candidate in polling stations on voting day came from a number of intervenors concerned with literacy. The Manitoba Anti-Poverty Organization recommended that each party use the logo used on the ballot for all party posters, advertisements and election literature.

The Carleton-Gloucester NDP opposed having voting stations located in churches, on the grounds that this could create a conflict between peoples' personal and their political philosophies.

Related issues:

Related issues include voting procedures and organization, literacy, northern and remote ridings, and disabled and handicapped voters.

Intervenors:

Chief Electoral Officer for the City of Ottawa (Ottawa, March 13)

Ms. Erma Crawford-Macauley, RO for Fundy-Royal (Fredericton, March 19)

New Brunswick Progressive Conservative Youth (Fredericton, March 19)

Mr. Theo Noel, RO Gloucester (Fredericton, March 19)

Mr. David Crawford (Victoria, March 26)

Socialist Party of Canada (Victoria, March 26)

Concordia University (Montreal, April 9)

PC Riding Association, Saskatoon (Saskatoon, April 17)

Mr. Jacques Charpentier, RO (Quebec City, April 30)

University of Guelph (Toronto, May 7)

Libertarian Party of Canada (Toronto, May 8)

Senator Paul Lucier (Whitehorse, May 14)

Ms. Connie Harris, former candidate Green Party (Kamloops, May 15)

Mr. Don Ursaki, a native and Liberal Party candidate in Caribou-Chilcotin (Vancouver, May 17)

New Populist Party of B.C. (Vancouver, May 17)

Clerk of the Legislative Assembly (Yellowknife, May 24)

Western Arctic New Democrats (Yellowknife, May 24)

Manitoba Anti-Poverty Organization (Winnipeg, May 29)

Ms. Rita Ubriaco (Toronto, May 30)

Canadian Human Rights Commission (Ottawa, June 13)

Carleton-Gloucester NDP (Ottawa, June 13)

Mr. Abe Okpik (Iqaluit, July 23)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

45. REVISION AND ELECTION DAY REGISTRATION

Key issues:

- * Should urban voters left off the voters' list be allowed to register to vote on election day, as is now the case in rural areas?
- * Should voters register on election day at their polling station or at some other location, and should they register by swearing an oath or by having someone else vouch for them?
- * How can the revision process be simplified and how close to election day should it be extended?

Background:

Under the Elections Act, voters in urban and rural areas are treated differently with respect to being registered if they are left off the preliminary list of electors. An urban area is defined as any city or town with a population of more than 5,000.

Revision in rural areas is handled by the enumerator for each poll and concludes 17 days before election day. Under Section 47, a voter left off the list may still register to vote on election day if the voter takes an oath and is vouched for personally by another registered voter from that poll.

Revision in urban areas is handled by a group of revising officers appointed by a senior judge rather than by people named by the returning officer. Once revision ends 17 days before the election there is no further way for an eligible person to obtain the right to vote. Voters in urban areas cannot register to vote federally on election day as is the case in some provinces like Ontario, Manitoba and Newfoundland.

Bill C-79 proposed extending the revision period up to three days before election day and allowing a voter who is enumerated but left off the voters' list in error to cast a vote. It made no provision to allow urban voters to register on election day.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Suggested alternatives:

- Extend revision of the voters' list to three days before election day as proposed in Bill C-79;
- Extend revision up to election day;
- Allow all voters left off the list to register to vote at their polling station on election day, not just those in rural areas;
- Allow polling day registration at the RO's office or at special locations rather than at polling stations;
- Require that people appear before a judge and pay a fee to be added to the voters' list on election day;
- Give the responsibility for revision in urban areas to returning officers and their staff rather than a separate organization of revising officers appointed by a judge;
- Allow political parties and community groups to add people to the voters' list at revision rather than requiring that this be done by the voter personally;
- Allow people to register a common-law spouse at revision without the spouse having to appear personally.

Comments and proposals:

Support ran about seven to one in favour of allowing urban voters to register to vote on election day among intervenors who commented on this issue. Most intervenors favoured a process of swearing to register and only two specifically recommended the vouching process used in rural areas where someone left off the list must be vouched for by a neighbour from their polling division in order to vote. A number suggested that the process of registration be simplified and that swearing be allowed even if a person did not have proof of identity, such as someone who was homeless or very poor.

Those favouring registration on voting day included the Manitoba and Newfoundland CEOs, Mayor Gordon Campbell of Vancouver, the Alberta and Yukon Liberals, Wellington-Dufferin-

Peel PCs, the former Chief Electoral Officer, Mr. Jean-Marc Hamel, and a number of citizens who had unsuccessfully fought being left off the voters' list in the 1988 election. A small number within this group recommended that registration on election day take place at special locations or at the returning office rather than at polling stations, although a group of Halifax ROs suggested this was needed not for reasons of principle, but to avoid delays for people already registered to vote.

The major reason offered for allowing election day registration was to have a more complete list or to avoid depriving people of their right to vote. Several intervenors noted how angry and frustrated voters become if they find at the last minute that they have been left off the voters' list and cannot vote. As the Newfoundland PCs noted, voters often do look only at the last minute to see if they are registered.

Intervenors contended that it was unfair to discriminate between urban and rural areas by giving rural voters the right to register on election day, and this was also probably contrary to the Charter of Rights.

It was suggested that allowing voting day registration would help homeless people gain the right to vote, assist women to vote if they did not wish to have their address revealed on the voters' list, and was essential to permit the use of a permanent voters' list. A number of intervenors in B.C. strongly criticised that province's decision to end the right of voters to register on election day at its next provincial election.

Mr. Richard Balasko, acting CEO in Manitoba, noted that about 4% of people who voted in the 1988 Manitoba election had sworn in at the polls on election day, mainly in Winnipeg and other urban areas. He had no reason to believe that this ratio would rise strongly in the future. Mr. Dermot Whelan, CEO in Newfoundland, said the system of voting day registration had worked well in that province for many years and suggested that the electoral system was based on trust whether people were enumerated at the start of an election or were allowed to swear in to vote on election day.

The reasons for opposing election day registration were varied. Mr. Alfred Crossman, RO in Saint John, expressed concern that the present system of swearing in in rural areas leads to cheating while another RO, Mary Hornett-Twigg of Calgary North, preferred to extend the revision period to four days before the election. The CEO for the Yukon was concerned about abuse because of experience in the Yukon, where territorial elections are very closely contested and every vote counts. Liberal MP

Robert Kaplan was also concerned about abuse and suggested as an alternative that people be required to appear before a judge on election day and pay a fee if they were left off the list and want to be registered.

A half-dozen intervenors commented on extending the revision period to just before the election, all of them favourably. It was suggested that the lists still be revised even if urban voters are also allowed to register on election day, so as to improve the final list of electors and ensure that errors and omissions in the preliminary list are corrected.

Mr. Stephen Delaney of the Newfoundland PCs said that voters view the revision process as something to be avoided and suggested that the procedure be reviewed and perhaps discarded. ROs Samuel Donaghey of Edmonton North and Pauline Deighan of Charlottetown recommended that revision be carried out by the returning office rather than a special set of revising officers. Mr. Donaghey added that if the RO became responsible for the revision process rather than a judge, he or she should be paid accordingly.

Some ROs noted that in practise, they do a great deal to organize the revision process, find staff and office space and so on, but that they are only paid according to the preliminary list of electors and are therefore not compensated if they do an effective job in adding electors through revision.

The suggestion that parties and community groups be allowed to add people to the voters' list at revision came from Mr. Ron Hamilton of the Kamloops NDP. Several intervenors questioned the restriction on someone registering their common-law spouse at revision.

Related issues:

Related issues include enumeration, the permanent voters' list, staffing and pay of ROs and election staff, and computerization of election operations.

Intervenors:

Mr. Jean-Marc Hamel (Ottawa, March 12)

Mr. Alfred Crossman, returning officer for Saint John,
(Fredericton, March 19)

Returning Officer, Hillsborough, (Charlottetown, March 21)

Mrs. Pauline Deighan, RO (Charlottetown, March 21)

Ms. Barbara Craven, RO for Saanich-Gulf Island (Victoria, March 26)

Mayor Gordon Campbell, (Vancouver, March 27)

British Columbia Federation of Labour (Vancouver, March 27)

B.C. Coalition for the Disabled (Vancouver, March 27)

Mr. Rod Laporte, MP (Saskatoon, April 17)

Mr. Alex Bowd, RO (Regina, April 18)

Mr. Harry Chadwick, Conservative MP for Brampton-Malton (Toronto, May 7)

Psychiatric Hospitals Branch, Ontario Ministry of Health and
Psychiatric Patient Advocate Office of Ontario (Toronto, May 8)

Mr. Kapur, London West NDP (London, May 10)

Mr. Anastase Koutroulides (London, May 10)

Chief Electoral Officer for the Yukon (Whitehorse, May 14)

Ms. Jean Graham, Federal Returning Officer for the Yukon,
(Whitehorse, May 14)

Yukon Liberal Association (Whitehorse, May 14)

Mr. Nelson Riis, MP (Kamloops, May 15)

Mr. Richard Blair (Kamloops, May 15)

Ms. Laurie Clarke, RO (Kamloops, May 15)

Kamloops New Democratic Party (Kamloops, May 15)

Ms. Mary Hornett-Twigg, RO (Calgary, May 22)

Mr. Ross Harvey, MP (Edmonton, May 23)

Liberal Party of Canada in Alberta (Edmonton, May 23)

Boyle Street Community Services Co-op (Edmonton, May 23)

Alberta Federation of Labour (Edmonton, May 23)

Mr. Samuel Donaghey, RO (Edmonton, May 23)

Mr. Richard Balasko, acting CEO in Manitoba (Winnipeg, May 29)

Manitoba Anti-Poverty Organization (Winnipeg, May 29)

National Pensioners' and Senior Citizens' Federation (Toronto, May 30)

Ms. Elizabeth Dashwood, RO for Rosedale (Toronto, May 30)

Wellington-Grey-Dufferin-Simcoe Progressive Conservative Riding Association (Toronto, May 31)

Ms. Sandra Foley, RO Halifax; Mr. Paul Hyland, RO Halifax West;
Ms. Jessie MacDonald, RO Dartmouth (Halifax, June 4)

Nova Scotia New Democrats (Halifax, June 4)

Mr. Francis LeBlanc, MP (Halifax, June 4)

Student Unions of Nova Scotia (Sydney, June 5)

St. John's East New Democratic Party (St. John's, June 6)

Progressive Conservative Association of Newfoundland and Labrador (St. John's, June 6)

Returning Officer for Burin-St. George's (St. John's, June 6)

National Anti-Poverty Organization (Ottawa, June 11)

Mr. Robert Kaplan, MP (Ottawa, June 12)

Dr. Jean Cottam (Ottawa, June 13)

ROYAL COMMISSION ON ELECTORAL REFORM

Summary of Issues from Hearings*

WORKING DOCUMENT

46. SPENDING LIMITS, ACCOUNTING ISSUES

Key issues:

- * Should campaign spending by local candidates in federal elections continue to be restricted and if so, what ceiling should apply?
- * Should the definition of election expenses be made more comprehensive and if so, what spending by candidates or by parties should be excluded?
- * Should there be any controls on pre-election spending by parties or by local candidates before the writs are issued?
- * To what extent, if any, should work by volunteers in a local election campaign be treated as a donation and as an election expense rather than not being counted?

Background:

The Elections Act sets a limit on election spending by local candidates based on the number of electors on the preliminary list. In a typical riding this ceiling amounts to about \$45,000 that can be spent during the election period.

The ceiling on election spending is indexed based on changes in the cost of living since 1980. However, expenditure ceilings in provincial campaigns on a per-voter basis can be as much as four times higher (in Nova Scotia) than the federal limits.

The Act defines an election expense as any amount paid "for the purpose of promoting or opposing, directly and during an election, a particular registered party, or the election of a particular candidate ..." and makes it an offense to incur an election expense except through the official agent of a party or candidate. This is the rule, in Section 70.1, which was struck down in 1984 by an Alberta court in relation to spending by advocacy groups. That issue is dealt with in a separate summary.

* This summary of issues is based on the briefs and testimony received during the Commission's public hearings from March 12 to June 13, 1990, but not on other Commission research.

Certain expenses related to a campaign are not subject to the ceiling. These include so-called "campaign expenses" and personal expenses by the candidate during the election period. The cost of polling at the local and at the national level is also not counted.

Expenses by parties and by candidates before the writ is issued are not regulated. Nor is there any scrutiny or reporting of expenses by local riding associations during a campaign period, although all expenditures intended to assist the candidate's campaign are meant to be channelled through the official agent and reported.

The rules related to volunteer labour do not allow someone who is self-employed to do volunteer work if the service is normally sold or charged for by that person. In this case, the work would be considered as a donation and as an election expense. A person who works full-time in a campaign while on holiday is considered a volunteer, but if someone is paid by their employer to participate in a campaign then the value of their time is considered to be an expense and is subject to the expenditure ceiling.

There are complex rules with respect to accounting for election expenses in such grey areas as the use of borrowed office furniture and equipment, the reuse of equipment or of signs from previous campaigns, and the provision of services to a campaign at below commercial value.

Bill C-79 proposed increasing the spending ceiling slightly and considering an MP's riding report mailed after the writ is issued as an election expense.

Suggested alternatives:

Spending limit:

- Remove spending limits on local campaigns;
- Increase the spending limit;
- Count all election expenses with no exemptions, but increase the spending limit at the same time;
- Exclude such expenses as office rental, volunteer expenses, phone banks and replacement signs from the limit on election spending;
- Reduce the spending limit for local candidates;

Election expenses:

- Bring in a comprehensive definition of election expenses;
- Clarify the definition of election expenses;
- Do not count full-time staff as an election expense;

Volunteer help:

- Place a ceiling on full-time "volunteer" help in a campaign before or during an election;
- Do not count any volunteer labour as an expense;
- Count the work of volunteers as an expense if it involves skilled work;
- Treat unpaid volunteer work by women as a campaign contribution (and as an expense);
- Allow self-employed people to contribute their expertise to a campaign and not be counted as an expense;
- Set guidelines for campaign work by ministerial staff and people working for MPs;
- Add a special category in the Act to allow expenses in support of volunteers;

Other proposals:

- Limit contributions, but not spending, in local campaigns;
- Limit spending, but not contributions, in local campaigns;
- Limit pre-writ expenditures;

Comments and proposals:

Some 30 intervenors commented on issues related to the definition of expenses and spending limits on local campaigns. Related questions concerning spending by advocacy groups and by the national parties are dealt with in separate summaries.

Most of the intervenors favoured a comprehensive definition of election expenses and a clearer definition than now exists. The Halifax PC Association counted seven different categories of expenses for official agents to deal with, each now subject to a different set of rules. The Ontario Commission on Election Finance recommended that federal law follow the Ontario model in defining election expenses, i.e., that all expenditure by or on behalf of a candidate be counted as an election expense unless specifically excluded.

As the list of alternatives indicates, a number of intervenors recommended that certain campaign expenses be excluded from the spending limit such as office expenses, rent, phone banks, and the cost of providing taxis at night, coffee and snacks, etc., for campaign volunteers.

Opinion was more divided on the treatment of volunteers. The B.C. federal NDP ridings asked that full-time campaign workers not be counted as an expense, on the grounds that the present system discriminates against NDP campaigns. This is because full-time workers in NDP campaigns are often employees lent by the labour movement and have to be declared as an expense, whereas other parties use full-time people who are professionals or who are self-employed and who get counted as volunteers rather than as an expense.

Former MP Lynn McDonald and the Alberta Liberals asked that pre-writ campaign expenditures be limited but the Canadian Labour Congress disagreed, saying that it was impossible to police spending before the writ was issued. Ms. McDonald wanted the limit so that a candidate could not "buy" a riding before the election was called and, asked for a ceiling on the number of "volunteers" lent to a campaign while still being paid by their employer.

Mr. Gary Brazzell, a Conservative fundraiser in Manitoba, asked that volunteers not be counted in election expenses and urged that the system not penalize enthusiasm and initiative by election workers. Mr. John Lakes of the Capilano-Howe Sound PC Association asked that self-employed people be able to work as volunteers in their area of expertise without being counted as an election expense. He suggested that the present rule was unfair, particularly since a self-employed volunteer would not count as an expense if he or she had incorporated a company and was technically that company's employee.

The Alberta PCs urged that no volunteer work be counted as an election expense while the Alberta Federation of Labour recommended that any one loaned to a campaign be counted as an expense, no matter who the employer is. The Canadian Human

Rights Foundation, Montreal, supported the present rule related to the self-employed, while the Nova Scotia Advisory Council on the Status of Women recommended that unpaid work by women volunteers be treated as a campaign donation so that women would receive more recognition for their work in politics.

A number of intervenors, including the Canadian Institute of Chartered Accountants and Mr. Ward Skinner, an accountant and official agent in Sudbury, asked that the ambiguities in the present Act with respect to election expenses be resolved. Areas of particular concern included the re-use of election signs and other material, loans of office equipment to a campaign and gifts in kind. Mr. Skinner mentioned such issues as honorariums paid to scrutineers on election day, to secretarial help and to candidates.

With a more comprehensive definition of election expenses, the CLC recommended that spending limits on local campaigns be increased by 50%. Other proposals were more modest; Mr. Skinner suggested a \$5,000 increase would be enough to allow campaigns to "sweep in" expenses from the grey areas. MP Chris Axworthy suggested that steps should be taken to control the "permanent campaign" between the parties which appears to be emerging on a year-round basis.

A number of intervenors, particularly from the Conservative Party, said the present spending limits are too low to run a modern election campaign or to pay for new technologies and campaign techniques. They included MPs Don Blenkarn, Pat Nowlan, and Scott Thorkelson; the Newfoundland PCs; and the PC Associations for London West and Etobicoke Centre. Mr. Sylvain Auclair, for the Greens, and Ms. Rita Ubriaco recommended that the spending limit for local campaigns be reduced.

Technical issues:

Mr. John Didone, a former PC official agent, contended that the responsibility of the official agent was far too onerous because a candidate could not exceed the spending limits by as much as a dollar. This was far more onerous than normal accounting rules where auditing is done to specified levels of materiality. He suggested a definition of materiality that allowed for a 10 per cent margin would be reasonable, but that this margin only be applied to imputed values and judgements made by official agents in calculating election expenses.

Mr. Jacques-Marie Gaulin asked that the conflict be resolved between Elections Canada guidelines, which require an official agent to deposit contributions as they are received, and Revenue

Canada rules which say that an official agent can issue tax receipts only for donations received after the date of the candidate's official nomination.

Related issues:

The issues in this summary are closely related to party finance, spending and regulation and to public funding and tax credit issues.

Major intervenors:

The Commission on Election Expenses (Toronto, May 7)

Mr. Ward Skinner, an accountant and official agent (Sudbury, May 9)

Mr. John Didone, accountant and official agent for the Conservatives in Sudbury in 1984 (Sudbury, May 9)

Canadian Institute for Chartered Accountants (Toronto, May 30)

Halifax Progressive Conservative Association (Halifax, June 4)

Other intervenors:

Liberal Party of Canada (Ottawa, March 12)

Mr. Jean-Marc Hamel (Ottawa, March 12)

Canadian Labour Congress (Ottawa, March 13)

New Brunswick Progressive Conservative Party (Fredericton, March 19)

Mr. Lorne Cudmore, Official Agent for the NDP (Charlottetown, March 19)

The B.C. Council of N.D.P. Federal Ridings (Vancouver, March 27)

Mr. Sylvain Auclair, Green Party candidate (Montreal April 10)

Dr. Suzanne Birks, Canadian Human Rights Foundation (Montreal, April 10)

Mme Monique Dubuc-Vaillancourt, Returning Officer in Ahuntsic (Montreal, April 11)

Mr. Chris Axworthy, MP for Saskatoon-Clark's Crossing (Saskatoon, April 17)

Mr. Keith Lampard, CEO, Saskatchewan (Regina, April 18)

Mr. Gary Brazzell, a lawyer and Conservative fund-raiser (Winnipeg, April 19)

Mr. Robert Gabor (Winnipeg, April 19)

Mr. Jacques-Marie Gaulin, Official Agent for the NDP (Quebec City, April 30)

Ms. Lynn McDonald, former New Democratic MP for Broadview-Greenwood (Toronto, May 7)

Mr. Don Gavin, Official Agent for the NDP in Kamloops (Vancouver, May 15)

Progressive Conservative Riding Association for Capilano-Howe Sound (Vancouver, May 17)

Alberta Federal Progressive Conservative Party (Calgary, May 22)

Liberal Party of Canada in Alberta (Edmonton, May 23)

Alberta Federation of Labour (Edmonton, May 23)

Western Arctic New Democrats (Yellowknife, May 24)

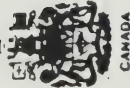
Mr. Richard Balasko, acting CEO in Manitoba (Winnipeg, May 29)

Manitoba Federation of Labour (Winnipeg, May 29)

Mr. Harry Katz, for five Toronto area Conservative Riding Associations (Toronto, May 30)

Wellington-Grey-Dufferin-Simcoe Progressive Conservative Riding Association (Toronto, May 31)

Nova Scotia Advisory Council on the Status of Women (Halifax, June 4)



ISSUES IN ELECTORAL REFORM:

Recommendations of the Three Major Parties

| | PROGRESSIVE CONSERVATIVE | LIBERAL | NEW DEMOCRATIC |
|-----------------------|---|---|---|
| Permanent voters list | Favour establishing a permanent voters list, but not to be based on tax returns. Consider cooperation with Canada Post and other levels of government. 13847-49, 13895. | No definitive position, more study needed. If adopted, list must guarantee privacy, include only Canadian citizens, be cost effective. 13269-70 | Opposed unless list can avoid disenfranchising mobile sectors of the population, such as students, tenants. 13575 |
| Canadians abroad | Canadians abroad should have the franchise; a time limit on this right would be acceptable. 13850-51, 13896-97 | Non residents should keep the right to vote for up to five years; use the definition of 'non-residency' found in Income Tax Act. 13277-79, 13286-88, 13332-37 | Canadians abroad should have the vote, but some limits are acceptable. 13571-72, 13595 |
| Right to vote | Federal judges, the mentally ill, the homeless should vote. Do not allow convicted criminals to vote; study voting age. 13849-52, 13863-64, 13897 | No specific position favoured. Consider a test for those mentally ill who wish to vote. Study issue of inmate voting. 13296-308 | Judges, inmates and the mentally ill should be enfranchised. Lower voting age to 16. Facilitate voting for homeless. 13570-74, 13593-94, 13609-16, 13616-20 |

Note: numbers in bold refer to hearings transcripts.

NEW DEMOCRATIC

LIBERAL

PROGRESSIVE CONSERVATIVE

| | | | |
|-----------------------|--|--|--|
| Polling hours and day | Ensure election results not reported in East until polls close in the West. No Sunday voting. 13854-56, 13932-34 | Consider staggered hours and Sunday voting seriously. 13270-71 | Voting day should fall on Sunday or be declared a national holiday. 13581-82. |
| Opinion polls | No restrictions on publishing polls. 13855-56, 13899-901, 13930-32 | Free publication of polls except during advertising blackout periods and polling day. 13279-80, 13312-16 | Mandatory publication of some methodological details, though not as stringent as C-79. 13574 |
| Other issues | All polling stations should have level access. 13864 | Current party registration regulations are acceptable. 13326-27 | Students should be able to vote at home or riding where they live as students. 13572 Polling day registration must be available and accessible. 13576, 13578, 13632-33 |



ISSUES IN ELECTION AND PARTY FINANCE:

Recommendations of the Three Major Parties

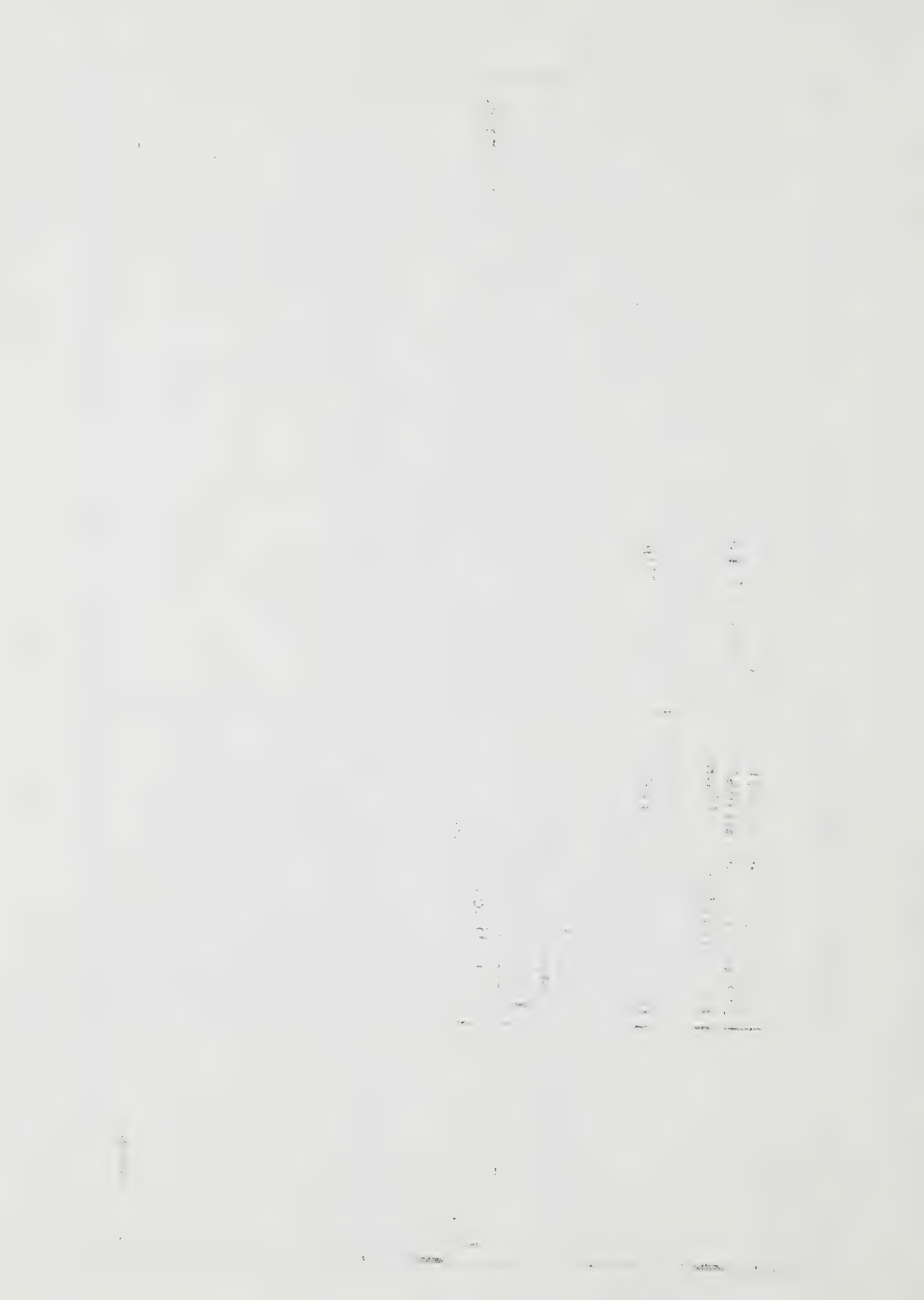
PROGRESSIVE CONSERVATIVE

LIBERAL

NEW DEMOCRATIC

| | | | |
|---------------------------------|---|---|---|
| Spending limits | Remove all campaign spending limits, but ensure full disclosure, including local level. If there must be limits, apply them only to local associations, not national parties. 13884-85, 13937-40 | Increase party spending limit to reflect broader definition of campaign expenses; index according to increases in cost of major campaign items. 13266-67 | Increase ceiling for parties by at least 20% now, in light of broader definition of election expenses, and index it annually according to increases in cost of major campaign items. 13558-59 |
| Definition of election expenses | Clarify definition of election expenses to simplify administration. 13880-81 | Expand definition of campaign expenses to include virtually all expenses between drop of writ and close of polls; exclude such items as the value of volunteer labour. 13264-67 | Provide more inclusive definition of election expenses, including most campaign-related costs, but not the value of volunteer labour. 13551-57 |
| Party/candidate reimbursement | Retain the 22.5% reimbursement to parties, but reconsider the base on which refund is calculated, consider indexing annually. Remove 15% candidate reimbursement threshold, but implement means to discourage the frivolous. 13880-86, 13908-09, 13944-48 | Retain present system of reimbursements. 13308-09, 13310-11, 13320-26 | Remove reimbursement requirement that 10% of party limit must be spent; increase party rebate from 22.5% to 50%. 13562-64 |

note: numbers in bold refer to pages in the hearings transcripts



PROGRESSIVE CONSERVATIVE

LIBERAL

NEW DEMOCRATIC

| | | | |
|-------------------------|--|---|--|
| Tax credits | Increase maximum contribution eligible for tax credit to \$2500; at the very least, periodically review credit structure and adjust for inflation. 13884 | No specific recommendation on tax credits; amenable to Commission suggestion of an upper limit of government finance of parties. 13325-26 | Double the tax credit to contributors immediately; index it every four years according to CPI; open the system to those ineligible for tax receipts. 13561 |
| Limits on contributions | Do not limit source or size of political contributions; let disclosure allay concerns of undue influence. 13887-91, 13909-11, 13937, 13944-48 | Place no significant limits on size and sources of contributions, focus on disclosure. 13271, 13319-20 | Do not limit the size or source of political contributions. 13560-61, 13595-98, 13625-31 |
| Local associations | Full disclosure if tax receipts are to be issued by riding associations; consider requiring registration. 13868-70, 13905-08, 13922-24 | Mandatory registration of riding associations; full disclosure. 13276-77, 13289-95, 13309 | Mandatory registration of riding associations; full disclosure. 13580 |
| Third Party Advertising | No limits on third party spending in campaigns. 13864-67, 13901-03, 13921-22, 13934 | Prohibit third party advertising according to the 1983 law. 13267, 13345-47 | Refer question to Supreme Court, then reinstate C-169; otherwise, subject third parties to same regulations as political parties. 13566-69, 13586-92 |

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the implementation of these practices. It details the steps involved in setting up a robust system for data collection and analysis. This includes identifying the key areas of focus, selecting appropriate tools and technologies, and training staff to ensure they are equipped to handle the data effectively. The goal is to create a seamless process that allows for the efficient management of information.

3. The third part of the document addresses the challenges associated with data management. It recognizes that while the benefits of accurate records are clear, there are several obstacles that can hinder the process. These include limited resources, lack of training, and the complexity of the data itself. The document provides strategies to overcome these challenges, such as seeking external support, investing in training, and simplifying the data collection process where possible.

4. The final part of the document concludes by reiterating the importance of these practices and the commitment to continuous improvement. It states that the organization is dedicated to staying at the forefront of data management practices, regularly reviewing and updating its systems to reflect the latest developments in the field. This commitment is a key factor in the organization's success and its ability to maintain high standards of transparency and accountability.

PROGRESSIVE CONSERVATIVE LIBERAL NEW DEMOCRATIC

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|---------------------------------------|--|--|--|
| Broadcast regulations | Do not infringe upon freedom of press: do not regulate leaders' debates; study issue of fairer distribution of advertising time. 13853-56, 13899-901, 13916-18, 13927-32 | Status quo acceptable; do not require publication of polling procedures; do not interfere in leadership debates; study issue of advertising time distribution. 13279, 13311-18, 13327-32 | Expand broadcast regulations to cover cable channels; retain regulations on paid and free advertising time, consider allocation less slanted in favour of governing party. 13574, 13620-24 |
| Enforcement | Institute an administrative tribunal accountable to parliament; decrease RCMP involvement. 13878-79, 13925-27 | Institute an Elections Enforcement Commission, to be appointed by parliamentary parties, to handle most infractions. 13268-9, 13275, 13338-42 | Give Commissioner power to appoint investigators, ensure prompt attention to alleged infractions; refer judicial matters to Federal court; do not create a Commission as outlined in C-79. 13580-81, 13603, 13634-37 |
| Leadership and nomination conventions | No government regulation desired. 13867-68, 13870, 13898, 13904-05, 13919-20 | No government regulation desired. 13289-92 | Full disclosure of contributions to both leadership and nomination campaigns; consider spending limit. 13564-65, 13601-03 |
| Annual government funding | Do not implement annual government funding of political parties. see Brief, p. 38. | No position on annual government funding. | Implement a system of annual government funding of political parties. 13562 |

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PROGRESSIVE CONSERVATIVELIBERALNEW DEMOCRATIC

| | | | |
|--------------------|----------------------------|--|---|
| Nomination deposit | Not addressed at hearings. | <p>\$1000 candidate deposit, \$500 refunded when return filed, remainder refunded if candidate receives 15% of the votes of the winning candidate; amenable to a larger deposit. 13275, 13283-85, 13326-27, 13342-45</p> | <p>Significant increases in candidate deposit may bar some women from running. 13584, 13603</p> |
|--------------------|----------------------------|--|---|



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